

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL : MDL NO. 2804
PRESCRIPTION OPIATE :
LITIGATION :
:

THIS DOCUMENT RELATES TO : CASE NO.
ALL CASES : 1:17-MD-2804
:
: Hon. Dan A.
: Polster

- - -

January 30, 2019

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HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

Videotaped deposition of JANET
GETZEY HART taken pursuant to notice, was held at
the law offices of Morgan, Lewis & Bockius LLP,
1701 Market Street, Philadelphia, Pennsylvania,
beginning at 9:34 a.m., on the above date, before
Ann Marie Mitchell, a Federally Approved
Certified Realtime Reporter, Registered Diplomat
Reporter, Registered Merit Reporter and Notary
Public.

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I N D E X
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Testimony of: JANET GETZEY HART
By Mr. Powers 10

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Rite Aid-Hart-2	Rite Aid Distribution Center DEA Regulatory Guidelines, Bates stamped through Rite Aid OMDL_0014804 through Rite Aid OMDL_0014874	120
Rite Aid-Hart-3	Controlled Drug Above Average Order Monitoring Program, Bates stamped through Rite Aid OMDL_0015079 through Rite Aid OMDL_0015081	124

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Rite Aid-Hart-4	Pharmacy Replenishment System Store Order History, Bates stamped through Rite Aid OMDL_0015302 through Rite Aid OMDL_0015307	140
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<p style="text-align: right;">Page 10</p> <p>1 THE VIDEOGRAPHER: We're now on 2 the record. My name is David Lane, 3 videographer for Golkow Litigation 4 Services. Today's date is January 30, 5 2019. The time is 9:34 a.m. 6 This deposition is taking place 7 in Philadelphia, Pennsylvania in the 8 matter of National Opiate Litigation, 9 MDL. 10 Our deponent today is Janet 11 Getzey Hart. Counsel will be noted on 12 the stenographic record. 13 Our court reporter is Ann Marie 14 Mitchell, who will now swear in the 15 witness. 16 - - - 17 JANET GETZEY HART, after having 18 been duly sworn, was examined and 19 testified as follows: 20 - - - 21 EXAMINATION 22 - - - 23 BY MR. POWERS: 24 Q. Good morning.</p>	<p style="text-align: right;">Page 12</p> <p>1 deposed, 20 years ago, what was that in 2 connection with? 3 A. It was related to an alleged 4 price fixing for third parties in Baltimore, 5 Maryland. 6 Q. And were you working at Rite Aid 7 at that point? 8 A. I was. 9 Q. And were you a fact witness 10 during that deposition? 11 A. I was. 12 Q. What was the subject of your 13 testimony for that deposition? 14 A. That there was no collusion as 15 far as not taking a third-party plan. 16 Q. You also mentioned that you were 17 deposed ten years ago. 18 What was that in connection with? 19 A. That was in connection with a 20 doctor. 21 Q. Do you remember the doctor's 22 name? 23 A. I do not. 24 Q. When you say in connection with a</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Good morning. 2 Q. My name is Will Powers and I 3 represent the plaintiffs in this litigation. 4 Can you please state your full 5 name and spell it for the record? 6 A. Sure. Janet Getzey Hart. 7 J-A-N-E-T, Getzey, G-E-T-Z-E-Y, last name Hart, 8 H-A-R-T. 9 Q. And we are here for your 10 deposition today. 11 Do you understand that? 12 A. I do. 13 Q. Have you ever been deposed 14 before? 15 A. I have. 16 Q. When was that? 17 A. 20 years ago. 18 Q. Was that the only time you've 19 been deposed? 20 A. I've been deposed twice. 21 Q. What was the other time you were 22 deposed? 23 A. Probably ten years ago. 24 Q. And the first time you were</p>	<p style="text-align: right;">Page 13</p> <p>1 doctor, what do you mean? 2 A. I believe there was an action 3 against a doctor and I was deposed in that 4 action. 5 Q. Why were you deposed? 6 A. Because I worked for Rite Aid and 7 they had dispensed prescriptions for the doctor. 8 MS. McENROE: And, Janet, just 9 let him finish his questions before you 10 answer. 11 THE WITNESS: Oh, okay. 12 MS. McENROE: Take your time. 13 THE WITNESS: Sorry. 14 BY MR. POWERS: 15 Q. Do you know where that doctor was 16 operating? 17 A. The deposition was in Harrisburg. 18 That's all I remember. 19 Q. You don't recall where the doctor 20 was actually writing the prescriptions from? 21 A. I do not. 22 Q. Do you know which Rite Aid stores 23 were dispensing those prescriptions? 24 A. I do not.</p>

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1 Q. And your counsel just informed
2 you about one of the rules today. I just want to
3 go over a couple others.
4 Is that all right?
5 A. Certainly.
6 Q. Because the court reporter is
7 here writing down everything that we're saying,
8 it's important that only one person is speaking
9 at a time. So as you've been going back and
10 forth here, you obviously can anticipate some of
11 my questions, but I just ask you to allow me to
12 finish my question fully before you start your
13 answer.
14 Is that okay?
15 A. Perfect.
16 Q. And then likewise, I'll let you
17 finish your answer before I ask my questions.
18 Does that sound okay?
19 A. Perfect.
20 Q. And the other thing, too, is I
21 need verbal answers. So no nods of the heads,
22 uh-huhs, uh-uhs, things like that.
23 Does that make sense?
24 A. Yes.

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1 Q. And if for any reason you do not
2 understand a question and require some
3 clarification or explanation of the words I'm
4 using, you must tell me and we'll get that matter
5 resolved before you answer the question.
6 Is that okay?
7 A. Yes.
8 Q. So then if you answer any of my
9 questions, I will assume that you understand it.
10 Is that okay?
11 A. Yes.
12 Q. Are you currently suffering from
13 any medical disease or illness that in any way
14 interferes with your ability to answer truthfully
15 and completely my questions here today?
16 A. No.
17 Q. Are you currently taking any
18 medication or drugs that may in any way interfere
19 with your ability to answer truthfully and
20 completely here today?
21 A. No.
22 Q. And the court reporter just swore
23 you in, so do you understand that the testimony
24 you give here today is under oath, just as it

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1 would be in a courtroom?
2 A. I do.
3 Q. So because you're under oath, if
4 you lie or provide intentionally misleading
5 answers, you may be subject to civil or criminal
6 penalties.
7 Do you understand that?
8 MS. McENROE: Objection to form.
9 THE WITNESS: I do.
10 BY MR. POWERS:
11 Q. And we can take breaks when you
12 need them, but you have to answer the question if
13 there is one pending.
14 Is that okay?
15 A. That's fine.
16 Q. And as your counsel just did a
17 minute ago, your counsel from time to time may
18 object to my questions, but I'm still entitled to
19 an answer unless your counsel specifically
20 instructs you not to answer.
21 Do you understand that?
22 A. I do.
23 Q. Did you prepare for this
24 deposition here today?

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1 A. I did.
2 Q. How did you do that?
3 A. I met with outside counsel to go
4 over some documents and to discuss Rite Aid's
5 policies, procedures, things along those lines.
6 Q. And when you say outside counsel,
7 you're referring to Morgan Lewis counsel?
8 A. I am.
9 Q. When did you meet with Morgan
10 Lewis counsel?
11 A. I have met with them various
12 times over the past several months.
13 Q. About how many times?
14 A. Perhaps six.
15 Q. On average, how long were those
16 meetings you had with outside counsel?
17 A. Some were three to four hours.
18 Some were a complete day.
19 Q. I want to start with your
20 educational background, Ms. Hart.
21 Actually, before I continue, is
22 it Ms. Hart or Ms. Getzey Hart?
23 A. Ms. Hart is fine.
24 Q. Okay. Did you complete high

<p style="text-align: right;">Page 18</p> <p>1 school?</p> <p>2 A. I did.</p> <p>3 Q. Where did you complete high</p> <p>4 school?</p> <p>5 A. Greater Johnstown Vocational and</p> <p>6 Technical High School in Johnstown, Pennsylvania.</p> <p>7 Q. And what year did you graduate</p> <p>8 from high school?</p> <p>9 A. 1979.</p> <p>10 Q. Just let me -- I know you can</p> <p>11 anticipate my question, but just can you please</p> <p>12 let me finish my question --</p> <p>13 A. I'm sorry.</p> <p>14 Q. -- and then you can answer the</p> <p>15 question.</p> <p>16 It's okay.</p> <p>17 So just to be clear, what year</p> <p>18 did you graduate high school?</p> <p>19 A. 1979.</p> <p>20 Q. Do you have any education beyond</p> <p>21 high school?</p> <p>22 A. I do.</p> <p>23 Q. What is that education?</p> <p>24 A. It is a BS in pharmacy.</p>	<p style="text-align: right;">Page 20</p> <p>1 as a pharmacist up to date and current between</p> <p>2 1984 and now?</p> <p>3 A. Yes.</p> <p>4 Q. I believe you said you're</p> <p>5 registered in Pennsylvania. Right?</p> <p>6 A. (Witness nods head.)</p> <p>7 Q. Are you registered as a</p> <p>8 pharmacist in any other states?</p> <p>9 A. New Jersey.</p> <p>10 MS. McENROE: Again, just a</p> <p>11 reminder to respond verbally. So that</p> <p>12 first answer had been yes.</p> <p>13 THE WITNESS: Okay.</p> <p>14 BY MR. POWERS:</p> <p>15 Q. So you're registered as a</p> <p>16 pharmacist in Pennsylvania and New Jersey; is</p> <p>17 that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Any other states?</p> <p>20 A. No.</p> <p>21 Q. When did you first become</p> <p>22 registered as a pharmacist in New Jersey?</p> <p>23 A. Probably two years after</p> <p>24 Pennsylvania.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Where did you get your BS in</p> <p>2 pharmacy?</p> <p>3 A. Duquesne University.</p> <p>4 Q. And where is that located?</p> <p>5 A. Pittsburgh, Pennsylvania.</p> <p>6 Q. What year did you graduate</p> <p>7 Duquesne University?</p> <p>8 A. 1984.</p> <p>9 Q. Besides your college education,</p> <p>10 do you have any other educational background?</p> <p>11 A. I do not.</p> <p>12 Q. Do you have any certifications of</p> <p>13 any kind?</p> <p>14 A. I am a pharmacist.</p> <p>15 Q. What does that mean, that you're</p> <p>16 a pharmacist?</p> <p>17 A. It means I'm registered with the</p> <p>18 state of Pennsylvania as a pharmacist.</p> <p>19 Q. Is that registration current?</p> <p>20 A. Yes.</p> <p>21 Q. When did you get that? When did</p> <p>22 you first get that registration as a pharmacist?</p> <p>23 A. 1984.</p> <p>24 Q. Have you kept your registration</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. And are you currently still</p> <p>2 registered as a pharmacist in New Jersey?</p> <p>3 A. I am.</p> <p>4 Q. So from about 1986 to present,</p> <p>5 you were registered as a pharmacist in New</p> <p>6 Jersey; is that right?</p> <p>7 A. That sounds about right.</p> <p>8 Q. No breaks for that registration?</p> <p>9 A. No breaks.</p> <p>10 Q. After graduation from college in</p> <p>11 1984, did you start working at Rite Aid at that</p> <p>12 point?</p> <p>13 A. I did.</p> <p>14 Q. Are you still currently employed</p> <p>15 by Rite Aid?</p> <p>16 A. I am.</p> <p>17 Q. Have you been employed by Rite</p> <p>18 Aid the entire time, from 1984 until present?</p> <p>19 A. I have.</p> <p>20 Q. When you started working at Rite</p> <p>21 Aid in 1984, what was your position?</p> <p>22 A. I was a pharmacy intern.</p> <p>23 Q. As a pharmacy intern, where did</p> <p>24 you work?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. Johnstown, Pennsylvania.</p> <p>2 Q. How long were you a pharmacy</p> <p>3 intern for?</p> <p>4 A. Approximately four months.</p> <p>5 Q. After your position as a pharmacy</p> <p>6 intern, what was your next title?</p> <p>7 A. Pharmacist.</p> <p>8 Q. Now, was that also located in</p> <p>9 Johnstown, Pennsylvania?</p> <p>10 A. It was.</p> <p>11 Q. And when you say located in</p> <p>12 Johnstown, Pennsylvania, is that the Rite Aid</p> <p>13 corporate offices?</p> <p>14 A. It is not. It's a retail</p> <p>15 pharmacy location.</p> <p>16 Q. Approximately how long were you a</p> <p>17 pharmacist for at Rite Aid?</p> <p>18 MS. McENROE: Objection to form.</p> <p>19 THE WITNESS: At the Johnstown</p> <p>20 store, about six months.</p> <p>21 BY MR. POWERS:</p> <p>22 Q. Where did you go after that?</p> <p>23 A. I became a floater pharmacist and</p> <p>24 worked at various Rite Aid pharmacy locations in</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Where was that location where</p> <p>2 you --</p> <p>3 A. Johnstown.</p> <p>4 Q. Sorry.</p> <p>5 A. Oh, I'm sorry.</p> <p>6 Q. What was the location where you</p> <p>7 were a pharmacy manager?</p> <p>8 A. Johnstown.</p> <p>9 Q. Did you have any other</p> <p>10 responsibilities besides the profitability while</p> <p>11 you were a pharmacy manager?</p> <p>12 A. The responsibilities were to</p> <p>13 dispense prescriptions, payroll, just running the</p> <p>14 basic business of the pharmacy.</p> <p>15 Q. After your year as a pharmacy</p> <p>16 manager, what was your next position at Rite Aid?</p> <p>17 A. I remained a pharmacist. But</p> <p>18 then at that particular time, Rite Aid was</p> <p>19 purchasing some stores, another drugstore chain,</p> <p>20 Gray Drug. And so after that I went out of the</p> <p>21 pharmacy and was a training pharmacist as new</p> <p>22 pharmacists were coming on board from the</p> <p>23 acquisition.</p> <p>24 Q. So this would have been around</p>
<p style="text-align: right;">Page 23</p> <p>1 the general area.</p> <p>2 Q. You say -- when you say the</p> <p>3 general area, what do you mean by that?</p> <p>4 A. Around Johnstown.</p> <p>5 Q. How long were you a floater</p> <p>6 pharmacist for?</p> <p>7 A. Approximately two years.</p> <p>8 Q. So that would be about 1986 you</p> <p>9 stopped being a floater pharmacist?</p> <p>10 A. That sounds correct.</p> <p>11 Q. After a floater pharmacist, what</p> <p>12 was your next position at Rite Aid?</p> <p>13 A. I was a pharmacy manager.</p> <p>14 Q. How long were you a pharmacy</p> <p>15 manager for?</p> <p>16 A. Approximately one year.</p> <p>17 Q. What were your job</p> <p>18 responsibilities as a pharmacy manager?</p> <p>19 A. I was responsible for the</p> <p>20 profitability of that particular pharmacy.</p> <p>21 Q. When you say that particular</p> <p>22 pharmacy, are you referring to a Rite Aid retail</p> <p>23 pharmacy location?</p> <p>24 A. I am.</p>	<p style="text-align: right;">Page 25</p> <p>1 1987 that you became a training pharmacist?</p> <p>2 A. That sounds correct.</p> <p>3 Q. How long did you hold the</p> <p>4 position as training pharmacist?</p> <p>5 A. Probably eight months.</p> <p>6 Q. And you said there was a</p> <p>7 acquisition that Rite Aid made around that time.</p> <p>8 Correct?</p> <p>9 A. Correct.</p> <p>10 Q. And the name of the other</p> <p>11 business that Rite Aid acquired was Gray Drug, do</p> <p>12 I have that correct?</p> <p>13 A. Gray Drug, yes.</p> <p>14 Q. So it was your job while you were</p> <p>15 a training pharmacist to go around to the Gray</p> <p>16 Drug locations and train them on Rite Aid</p> <p>17 procedures.</p> <p>18 Do I have that correct?</p> <p>19 A. Yes. On procedures and the</p> <p>20 computer system.</p> <p>21 Q. And was that also around the</p> <p>22 Johnstown, Pennsylvania area?</p> <p>23 A. That was actually throughout the</p> <p>24 country.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. After your time as a training 2 pharmacist, what was your next position at Rite 3 Aid? 4 A. I moved to Baltimore to become a 5 pharmacy manager. 6 Q. So that would have been around 7 1988 when you moved to Baltimore? 8 A. That sounds correct. 9 Q. And was that position as a 10 pharmacy manager also for a retail location? 11 A. It was. 12 Q. Were your job responsibilities 13 the same as your previous stint as a pharmacy 14 manager in Johnstown, Pennsylvania? 15 A. They were. 16 Q. How long were you the pharmacy 17 manager in Baltimore? 18 A. Approximately two years. 19 Q. After being a pharmacy manager in 20 Baltimore, what was your next job at Rite Aid? 21 A. I got promoted to be a pharmacy 22 district manager. 23 Q. And that would have been around 24 1990?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. So that would have been around 2 1992 to 1993. Right? 3 A. Correct. 4 Q. What did you do as the director 5 of professional placement? 6 A. I was responsible for going to 7 schools of pharmacy and recruiting pharmacy 8 students to come to work for Rite Aid. And I was 9 responsible for putting together training 10 programs for the region. 11 Q. When you say the region, what 12 region are you referring to? 13 A. Baltimore metro market. 14 Q. After your year as the director 15 of professional placement, what was your next 16 position at Rite Aid? 17 A. Pharmacy division manager. 18 Q. How long were you a pharmacy 19 division manager for? 20 A. Two years. 21 Q. So that would be approximately 22 1993 through 1995? 23 A. That is correct. 24 Q. And what were your job</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes. 2 Q. How long were you a pharmacy 3 district manager for? 4 A. Approximately two years. 5 Q. Was that also in Baltimore, 6 Maryland? 7 A. It was. 8 Q. What were your responsibilities 9 as a pharmacy district manager? 10 A. Similar to that as a pharmacy 11 manager, the pharmacy district manager was 12 responsible for anywhere between 25 to 30 stores, 13 as far as staffing, training, profitability. 14 Q. And the 25 to 30 stores that you 15 were responsible for, were those all in the 16 Maryland area? 17 A. Yes. 18 Q. What was your next position after 19 pharmacy district manager? 20 A. Director of professional 21 placement. 22 Q. How long were you the director of 23 professional placement? 24 A. For approximately a year.</p>	<p style="text-align: right;">Page 29</p> <p>1 responsibilities as a pharmacy division manager? 2 A. Similar to the pharmacy manager 3 and the pharmacy district manager. I was 4 responsible for the profitability and operations 5 of approximately 150 Rite Aid pharmacies in the 6 Baltimore metro market. 7 Q. After your time as the pharmacy 8 division manager, what was your next position at 9 Rite Aid? 10 A. I moved -- I got promoted into 11 the corporate office, and I became a manager of 12 government affairs. 13 Q. And that would have been around 14 1995? 15 A. Correct. 16 Q. Now, when you say the corporate 17 office, are you referring to the Rite Aid offices 18 in Camp Hill, Pennsylvania? 19 A. I am. 20 Q. Were you physically located 21 starting in 1995 in the offices in Camp Hill, 22 Pennsylvania? 23 A. I believe I moved to Camp Hill in 24 1996.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. When you moved to Camp Hill, it 2 was for the position that you just described, the 3 manager of government affairs. Right? 4 A. It was. 5 Q. What were your job 6 responsibilities as a manager of government 7 affairs? 8 A. I was responsible for varying -- 9 many times varying number of states to follow 10 regulatory and legislation concerning anything 11 that would impact the Rite Aid book of business. 12 I was responsible for compliance with DEA rules 13 and regulations. And I was responsible for 14 prescription drug monitoring programs and 15 submitting data to a limited number of programs 16 that were there in 1995. 17 Q. How long were you the manager of 18 government affairs? 19 A. From 1995 to 2006. 20 Q. In that time period from 1995 to 21 2006, who was your supervisor? 22 A. James Krahulec. 23 Q. Can you spell that last name, 24 please?</p>	<p style="text-align: right;">Page 32</p> <p>1 there was someone that needed to go before a 2 Senate committee or something like that, they 3 would ask me to go and to provide testimony or to 4 speak on behalf of Rite Aid. And so having done 5 that a number of times in my previous capacity, 6 the opportunity came up for the additional 7 position in the Rite Aid corporate headquarters, 8 so that's when they promoted me into that 9 position. 10 And then after that, it was 11 really hands-on training with the individuals at 12 the corporate office. 13 Q. Who were some of the individuals 14 who you did the hands-on training with? 15 A. Mike Podgurski. 16 Q. Anyone else? 17 A. I'm trying to think who else was 18 there at that time. 19 It was pretty much Mike and -- 20 Mike and Jim. 21 Q. When you say Jim, that's James 22 Krahulec? 23 A. (Witness nods head.) 24 MS. McENROE: Is that a yes?</p>
<p style="text-align: right;">Page 31</p> <p>1 A. K-R-A-H-U-L-E-C. 2 Q. Was there anyone else in the 3 government affairs division at Rite Aid during 4 that time period, 1995 to 2006? 5 A. Can you repeat the question? 6 Q. Sure. 7 Was anyone else in the government 8 affairs division, let's say, of Rite Aid between 9 that period, 1995 to 2006? 10 A. We had like an administrative 11 staff, but during that time it was Mr. Krahulec 12 and myself. 13 Q. Who was the administrative staff? 14 A. Deb Hurley. 15 Q. Can you spell the last name? 16 A. H-U-R-L-E-Y. 17 Q. How did you train for your job as 18 manager of government affairs? 19 A. Well, in my capacity as the 20 pharmacy regional person in Baltimore, I had the 21 opportunity at that time to go and testify in 22 Annapolis, meet with legislators. Mr. Krahulec 23 obviously was only one person and couldn't be at 24 that time in approximately 15 states. And so if</p>	<p style="text-align: right;">Page 33</p> <p>1 THE WITNESS: Yes. 2 MR. POWERS: Sorry. Yeah, thank 3 you. 4 BY MR. POWERS: 5 Q. And what was Mike Podgurski's 6 title? 7 A. I don't know what his title was 8 at that time. He's had a lot of titles, I don't 9 know what it was specifically at that time. 10 Q. We've been talking about the 11 government affairs division. 12 What division did Mike Podgurski 13 work in? 14 A. More pharmacy ops. 15 Q. And I'm using the word 16 "division." 17 Is that the correct term or 18 department or is there a better term in how Rite 19 Aid describes the organizational structure? 20 A. It's government affairs 21 department. It's very small. 22 Q. Okay. So it's department, I 23 guess? 24 A. Yeah.</p>

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1 Q. Okay. How does the government
2 affairs department fit into the larger
3 organizational structure of the Rite Aid
4 corporate office?

5 MS. McENROE: Objection to form.

6 THE WITNESS: We monitor
7 legislation and then provide updates to
8 the corporate departments that are
9 involved. If it's a tax issue, we would
10 forward the legislation to the tax
11 department. If it was a pharmacy issue,
12 we would forward it to the pharmacy
13 department. We also had control or
14 looked over DEA rules and regulations.
15 And if there was a question concerning,
16 you know, a DEA rule or regulations,
17 pharmacy operations or the other
18 departments would come and ask us
19 questions or ask us to investigate and
20 provide an answer back to them.

21 BY MR. POWERS:

22 Q. For DEA issues, you mentioned the
23 pharmacy departments.

24 Any other departments you worked

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1 with on DEA issues?

2 A. Logistics.

3 Q. And who did you work with in the
4 logistics department?

5 A. I don't remember who was in
6 logistics back then.

7 Q. Besides logistics and pharmacy,
8 any other departments you worked with on DEA
9 issues for your time period '95 through 2006?

10 A. I think that's it.

11 Q. Anyone else besides the pharmacy
12 department, besides Mike Podgurski that you
13 worked with?

14 A. There were various individuals in
15 the various -- in that department that I would
16 work with.

17 Q. Can you name the ones you
18 remember?

19 A. Sure. Scott Jacobson.

20 Q. Do you remember Scott Jacobson's
21 title?

22 A. VP pharmacy operations.

23 Q. Anyone else?

24 A. Not at this time.

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1 Q. You also mentioned before that
2 you gave testimony, I believe you said, to
3 governmental organizations; is that correct?

4 A. That is correct.

5 Q. What test -- can you give me some
6 examples of the testimony that you gave?

7 A. Certainly. There were pieces of
8 legislation to -- where there was going to be a
9 reimbursement cut to Medicaid where the
10 dispensing fee was going to be reduced. And we
11 obviously, from a business perspective, we did
12 not want that to occur, so we would testify in
13 order to maintain the dispensing fee.

14 Q. Did you give testimony to state
15 government agencies?

16 A. I did.

17 Q. What were the state government
18 agencies that you testified to?

19 A. I've testified before the
20 Maryland General Assembly, or a subcommittee of
21 the assembly.

22 Q. Anywhere else besides the
23 Maryland General Assembly?

24 A. The Pennsylvania General

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1 Assembly.

2 Q. Anywhere else?

3 A. Maine.

4 Q. Anywhere else?

5 A. Vermont.

6 Q. Anywhere else?

7 A. Those are the ones that I can
8 recall.

9 Q. Did you ever testify about DEA
10 compliance issues before any of the state bodies
11 that you just named?

12 MS. McENROE: Objection to form.

13 THE WITNESS: For the time period
14 when I was a manager of government
15 affairs, not that I remember.

16 BY MR. POWERS:

17 Q. Did you ever testify before
18 federal agencies during the time period of 1995
19 through 2006?

20 A. I did not.

21 Q. Have you ever testified before
22 federal agencies during your entire time at Rite
23 Aid?

24 A. I believe no.

<p style="text-align: right;">Page 38</p> <p>1 Q. And to be clear, when I say 2 federal agencies, I'm also including legislative 3 bodies. 4 Is that okay? 5 A. That's fine. 6 Q. Does that change your answer? 7 A. No. 8 Q. What is the government affairs 9 department relationship with the distribution 10 centers? 11 MS. McENROE: Objection to form. 12 THE WITNESS: We work together. 13 BY MR. POWERS: 14 Q. Do the distribution centers 15 report to the government affairs office? 16 A. They do not. 17 Q. Was there a typical contact 18 person at each distribution center that you would 19 work with? 20 A. There were contact individuals at 21 the distribution centers. 22 Q. Did those contact individuals 23 have a particular title at the distribution 24 centers?</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. How about Chris Belli, does that 2 name sound familiar to you? 3 A. Yes. 4 Q. Is that one of the people you've 5 been working with in the logistics department? 6 A. Yes. 7 Q. And are those people, Chris Belli 8 and Kevin Mitchell, the people you're referring 9 to when you say the person in charge of the DEA 10 coordinators at the logistics department? 11 A. Yes. 12 Q. So after 2006, you ceased -- your 13 title ceased to be manager of government affairs. 14 Correct? 15 A. Correct. 16 Q. What did your title become at 17 that point? 18 A. Director, government affairs. I 19 got a promotion. 20 Q. Is that your current title, 21 director of government affairs? 22 A. It is. 23 Q. Have you held the position of 24 director of government affairs continuously from</p>
<p style="text-align: right;">Page 39</p> <p>1 A. DEA coordinator. 2 Q. So is it fair to say then the 3 government affairs office would interact with the 4 DEA coordinators at each individual distribution 5 center? 6 A. I myself would interact more with 7 the person that was in charge of the DEA 8 coordinators at the corporate office. 9 Q. Who was the person in charge of 10 the DEA coordinators at the corporate office? 11 A. There was a director of 12 logistics, regulatory, something along that title 13 line. I don't know the official title. 14 Q. Would that be the logistics -- in 15 the logistics department that you talked about 16 earlier? 17 A. Yes. 18 Q. Does the name Kevin Mitchell ring 19 a bell for you? 20 A. Yes. 21 Q. Is that one of the people that 22 you would have been working with in the logistics 23 department? 24 A. Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1 2006 until the present? 2 A. I have. 3 Q. What happened to James Krahulec 4 when you became the director of government 5 affairs? 6 A. James Krahulec passed away in 7 2006 or so. And Mike Podgurski moved in to 8 government affairs. So from when I was a 9 director of government affairs, Mike Podgurski 10 then became my boss. 11 Q. Did that move of Mike Podgurski 12 to becoming your boss happen at the same time you 13 became director of government affairs? 14 A. Close to the same time frame, 15 yes. 16 Q. Who else was in your department 17 when you became the director of government 18 affairs? 19 A. There would have been an 20 individual, Michael Yount. 21 Q. How do you spell that last name? 22 A. Y-O-U-N-T. 23 Q. When did Mr. Yount start in the 24 government affairs department?</p>

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1 A. I don't remember.
 2 Q. Was it around the time you became
 3 the director of government affairs?
 4 A. I believe it was prior to that
 5 point.
 6 Q. So Michael Yount was part of the
 7 government affairs department before you became
 8 director of government affairs?
 9 A. Yes.
 10 Q. How long did Michael Yount work
 11 in the government affairs office?
 12 A. I don't recall.
 13 Q. Does he still work in the
 14 government affairs office?
 15 A. He does not.
 16 Q. Do you know when he left?
 17 A. I don't remember.
 18 Q. Was it more or less than ten
 19 years ago when Michael Yount left?
 20 A. It was more than ten years ago
 21 that he left.
 22 Q. How come you did not mention
 23 Michael Yount before when I asked you who else
 24 worked in the government affairs office while you

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1 were the manager of government affairs?
 2 MS. McENROE: Objection to form.
 3 THE WITNESS: I just completely
 4 forgot about Michael.
 5 BY MR. POWERS:
 6 Q. Besides Michael Yount, anyone
 7 else work in the government affairs office
 8 between '95 and present?
 9 A. Not that I remember.
 10 Q. Did Amy Knisely ever work in the
 11 government affairs department?
 12 A. Amy Knisely did, yes.
 13 Q. How come you didn't mention her
 14 when I asked who else worked in the government
 15 affairs department just now?
 16 A. You didn't specify a time frame.
 17 We were discussing until -- we were discussing
 18 the 2006. And Amy Knisely wasn't in the
 19 government affairs department in 2006.
 20 Q. My question was -- I'm reading
 21 off the transcript here, besides Michael Yount,
 22 anyone else work in the government affairs office
 23 between 1995 and the present?
 24 A. Oh, okay. Yes.

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1 Q. Who else worked in the government
 2 affairs office between 1995 and the present?
 3 A. Amy Knisely.
 4 Q. Anyone else?
 5 A. Sarah Everingham, Andrea Bucher.
 6 Q. Anyone else?
 7 A. Derrick Ridley.
 8 Q. How do you spell that last name?
 9 A. R-I-D-L-E-Y.
 10 Q. Anyone else?
 11 A. Sarah Hilbolt.
 12 Q. How do you spell that last name?
 13 A. H-I-L-B-O-L-T.
 14 Q. Anyone else?
 15 A. In government affairs was Grace
 16 Schuyler.
 17 Q. Anyone else?
 18 A. Jermaine Smith.
 19 Q. And when I say anyone else, feel
 20 free to name more than one person at a time.
 21 A. Okay.
 22 Q. Anyone else besides who you've
 23 mentioned so far?
 24 A. I'm thinking.

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1 Yong Choe.
 2 Those are to the best of my
 3 knowledge.
 4 Q. I believe you testified earlier
 5 that in -- from 1995 to 2006, the only people in
 6 the government affairs office were yourself,
 7 James Krahulec, and for some period of that time
 8 Michael Yount. Right?
 9 A. And Deb Hurley.
 10 Q. How come the government affairs
 11 office got so much bigger after 2006?
 12 MS. McENROE: Objection, form.
 13 THE WITNESS: There was the
 14 addition of additional people because the
 15 responsibilities were expanding.
 16 BY MR. POWERS:
 17 Q. Why do you say the
 18 responsibilities were expanding?
 19 A. Prior to 2006, there were a very
 20 limited number of state prescription monitoring
 21 programs. And more states kept coming onboard
 22 with prescription monitoring programs. So there
 23 was more data submission to those programs. And
 24 then error corrections, when there would be an

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1 error that was sent to the program. And that was
2 taking up increasing amounts of time.
3 There was also additional
4 heightened awareness around DEA rules and
5 regulations. Legislation was getting more
6 involved.
7 Q. During that period after 2006,
8 who in the government affairs office had
9 responsibility in any shape or form for dealing
10 with the DEA rules and regulations?
11 MS. McENROE: Objection to form.
12 THE WITNESS: That would be
13 myself.
14 BY MR. POWERS:
15 Q. Anyone else?
16 A. Yes.
17 May I make an addition to an
18 individual in government affairs?
19 Q. Sure.
20 A. I don't believe I mentioned
21 Andrea Bucher.
22 Q. Okay. Anyone else besides
23 yourself in the government affairs office that
24 dealt with DEA's rules and regulations?

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1 A. Since then?
2 Q. Since 2006.
3 A. Amanda Glover.
4 Q. Was she also in the government
5 affairs office?
6 A. She is in regulatory affairs, but
7 she dealt with DEA.
8 Q. Anyone else besides Amanda
9 Glover?
10 A. Mike Podgurski.
11 Q. But he's not in government
12 affairs. Right?
13 A. No. Mike was in government
14 affairs.
15 Q. Oh, okay.
16 A. He was in operations prior to
17 2006.
18 Grace Schuyler.
19 Q. Anybody else?
20 A. Not that I remember at this time.
21 Q. And you mentioned, was it Amanda
22 Glover?
23 A. Yes.
24 Q. That she was in the regulatory

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1 affairs department. Right?
2 A. Yes.
3 Q. Is that a separate department
4 from government affairs?
5 A. Yes.
6 Q. Did you ever work with other
7 people from the regulatory affairs department
8 while you were the director of government
9 affairs?
10 A. Yes.
11 Q. Who else from regulatory affairs
12 did you interact with?
13 A. Zach Hicks.
14 Q. Can you spell that?
15 A. H-I-C-K-S.
16 Q. Anyone else?
17 A. Greg Mills. That's it.
18 Q. Do you know who the director of
19 the regulatory affairs office was during this
20 time period, starting in 2006?
21 A. There was no regulatory affairs
22 department in 2006. I think why there's some
23 confusion here is what happened was government
24 affairs split off from regulatory affairs

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1 approximately two years ago. And so that's why
2 there's some confusion as far as the individuals
3 and where they worked, because what happened is,
4 even though I still maintained the title of
5 government affairs, I'm in regulatory affairs.
6 So that may be adding to the confusion.
7 Q. Okay. Just so I have this
8 correctly here, the department was the department
9 of government affairs from 1995 up until about
10 2017?
11 A. There still is a department of
12 government legislative and regulatory, but --
13 from following that. But there's a regulatory --
14 department of reg -- a department of regulatory
15 affairs as well. So you still -- you have two
16 now.
17 Q. Okay. So from 1995 until
18 current, there was a department of government and
19 regulatory affairs. Right?
20 A. (Witness nods head.)
21 Yes.
22 Q. And then approximately two years
23 ago, around 2017, there's a separate department
24 named regulatory affairs?

<p style="text-align: right;">Page 50</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Why was the regulatory</p> <p>3 affairs department created in 2017?</p> <p>4 A. There was heightened awareness on</p> <p>5 many regulatory affairs issues, such as DEA,</p> <p>6 HIPAA, and so the decision was made to create a</p> <p>7 department.</p> <p>8 Q. Who was the person in charge of</p> <p>9 the regulatory affairs office starting in 2017?</p> <p>10 A. Amanda Glover.</p> <p>11 Q. And she would have been</p> <p>12 previously employed in the government affairs and</p> <p>13 regulatory affairs department prior to 2017; is</p> <p>14 that right?</p> <p>15 A. She was not.</p> <p>16 Q. Do you know where she was before?</p> <p>17 A. Pharmacy operations, I believe.</p> <p>18 Q. How did your job responsibilities</p> <p>19 as the director of government affairs change when</p> <p>20 the new regulatory affairs department was</p> <p>21 created?</p> <p>22 A. I had less responsibilities for</p> <p>23 state legislative and regulatory following</p> <p>24 legislation than I had previously. I had bumped</p>	<p style="text-align: right;">Page 52</p> <p>1 charge of legislative and regulatory for?</p> <p>2 A. Maryland and Delaware.</p> <p>3 Q. When you say in charge of</p> <p>4 legislative and regulatory, what do you mean by</p> <p>5 that?</p> <p>6 A. I mean follow any legislation</p> <p>7 that impacts Rite Aid's book of business and then</p> <p>8 provide that information to the various</p> <p>9 departments that would be impacted by the</p> <p>10 legislation or the regulation, work with groups</p> <p>11 to put forth a response to the legislation,</p> <p>12 provide comments, anything that needed to be done</p> <p>13 related to those issues.</p> <p>14 Q. And you also mentioned that you</p> <p>15 had responsibility for prescription monitoring</p> <p>16 programs.</p> <p>17 Can you explain that?</p> <p>18 A. Certainly. In each state that</p> <p>19 Rite Aid does business, we're required by law to</p> <p>20 report any controlled substance data for</p> <p>21 prescriptions that we dispense to the state. In</p> <p>22 each state, we send the data on a daily basis.</p> <p>23 And then what happens is we get errors back,</p> <p>24 where the stores will say put a symbol in the</p>
<p style="text-align: right;">Page 51</p> <p>1 up and down between the number of states that I</p> <p>2 covered. And I went down to two states to cover</p> <p>3 because of the other increasing responsibilities.</p> <p>4 Q. What were your increasing</p> <p>5 responsibilities?</p> <p>6 A. DEA compliance, prescription</p> <p>7 monitoring program compliance.</p> <p>8 Q. You started talking a little bit</p> <p>9 about it there, but as the director of government</p> <p>10 affairs between 2006 and 2017, what were your job</p> <p>11 responsibilities?</p> <p>12 A. Similar to my responsibilities as</p> <p>13 manager of government affairs.</p> <p>14 Q. Can you explain what you mean by</p> <p>15 that?</p> <p>16 A. Sure. I did the same thing,</p> <p>17 pretty much. I was in charge of DEA compliance</p> <p>18 as far as providing information, questions to the</p> <p>19 various departments throughout the company. I</p> <p>20 was responsible for prescription monitoring</p> <p>21 programs. And I was responsible for legislative</p> <p>22 and regulatory for two states. At present, I'm</p> <p>23 down to one state.</p> <p>24 Q. What two states were you in</p>	<p style="text-align: right;">Page 53</p> <p>1 name. They'll say -- it's a K9 and they put</p> <p>2 parentheses around the K9, so that comes back as</p> <p>3 an error. And then we're responsible for</p> <p>4 correcting that and sending it back to the</p> <p>5 prescription monitoring program.</p> <p>6 We need to stay up on all of the</p> <p>7 different formats and all of the different</p> <p>8 standards related to the prescription monitoring</p> <p>9 program so that we stay in compliance, because</p> <p>10 there are significant fines associated with it if</p> <p>11 we're not in compliance.</p> <p>12 Q. Are you talking about the</p> <p>13 prescription monitoring programs, are those</p> <p>14 particular prescription monitoring programs in</p> <p>15 each state?</p> <p>16 A. Yes, they're in each state.</p> <p>17 Q. And the prescription monitoring</p> <p>18 programs, are they different in each state?</p> <p>19 A. They are.</p> <p>20 Q. Do the prescription monitoring</p> <p>21 programs have anything to do with Rite Aid's role</p> <p>22 as a distributor of controlled substances?</p> <p>23 MS. McENROE: Objection, form.</p> <p>24 THE WITNESS: There are certain</p>

<p style="text-align: right;">Page 54</p> <p>1 states that require distributor data to</p> <p>2 be sent to them.</p> <p>3 BY MR. POWERS:</p> <p>4 Q. You also mentioned that as</p> <p>5 director of government affairs that you were in</p> <p>6 charge of DEA compliance.</p> <p>7 Can you explain what you mean by</p> <p>8 that?</p> <p>9 A. Certainly. If there was a DEA</p> <p>10 question or a new DEA rule or regulation that</p> <p>11 came up, it's my job to communicate that to store</p> <p>12 operations; to logistics, if it involves</p> <p>13 transporting drugs; to provide, you know,</p> <p>14 guidance into policies and procedures as far as</p> <p>15 compliance with DEA rules and regulations.</p> <p>16 Q. You said it's your job to</p> <p>17 communicate the DEA compliance issues.</p> <p>18 How would you communicate to the</p> <p>19 other Rite Aid employees?</p> <p>20 A. If there was a proposed piece of</p> <p>21 legislation, I would either forward an email to</p> <p>22 the individuals that are in the correct</p> <p>23 department. We could possibly have a discussion</p> <p>24 about the proposed regulation to determine how it</p>	<p style="text-align: right;">Page 56</p> <p>1 VP of operations or the VP of logistics, was that</p> <p>2 just communicate via email?</p> <p>3 A. Email typically, yes. And then</p> <p>4 typically what would happen is they would read it</p> <p>5 and call me back and then we'd start a</p> <p>6 discussion.</p> <p>7 Q. We've been talking about new</p> <p>8 rules and regulations.</p> <p>9 How do you communicate</p> <p>10 long-standing rules and regulations regarding DEA</p> <p>11 compliance?</p> <p>12 MS. McENROE: Objection to form.</p> <p>13 THE WITNESS: We do that in a</p> <p>14 number of ways. We have DEA reminder</p> <p>15 messages that we send to all of our</p> <p>16 stores on a weekly basis. Those messages</p> <p>17 include compliance with CSA and the CFR,</p> <p>18 where they are how to execute an order</p> <p>19 form, things along those lines.</p> <p>20 BY MR. POWERS:</p> <p>21 Q. How are those DEA reminder</p> <p>22 messages sent to the stores?</p> <p>23 A. They are sent in what we call a</p> <p>24 management planner.</p>
<p style="text-align: right;">Page 55</p> <p>1 would impact the Rite Aid book of business.</p> <p>2 Q. So besides emailing the</p> <p>3 appropriate people and having discussions, did</p> <p>4 you do anything else to communicate new rules and</p> <p>5 regulations?</p> <p>6 A. I mean, we might have a meeting,</p> <p>7 a meeting as such to discuss it and determine</p> <p>8 what our action plan would be.</p> <p>9 And then we could -- we would</p> <p>10 have an email communication as far as rolling it</p> <p>11 out to the stores and what we were going to</p> <p>12 communicate to stores to do to be compliant. So</p> <p>13 that was all a part of the process.</p> <p>14 Q. Was there any standard procedure</p> <p>15 about how to communicate a new DEA rule or</p> <p>16 regulation?</p> <p>17 A. The standard procedure for myself</p> <p>18 is to communicate it to our VP of pharmacy</p> <p>19 operations. If it was logistics, the VP of</p> <p>20 logistics. Anybody that was involved in that</p> <p>21 particular matter would be communicated on so</p> <p>22 that they were aware of pending or then passed</p> <p>23 legislation.</p> <p>24 Q. When you say communicated to the</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. What is a management planner?</p> <p>2 A. It's a weekly message board that</p> <p>3 goes out to all of our pharmacies.</p> <p>4 Q. Is this an electronic system?</p> <p>5 A. Yes.</p> <p>6 Q. Who would have access to that</p> <p>7 electronic system?</p> <p>8 A. The pharmacist, our field</p> <p>9 management, people in corporate.</p> <p>10 Q. You've been talking about</p> <p>11 communicating with the stores.</p> <p>12 How about DEA policies and</p> <p>13 procedures related to distribution, how did you</p> <p>14 communicate those?</p> <p>15 A. DEA with -- for distribution,</p> <p>16 would go to the VP of logistics. And then</p> <p>17 they're individuals during that time period that</p> <p>18 we mentioned, Kevin Mitchell, Chris Belli,</p> <p>19 communication would go to them if there was</p> <p>20 something impacting the distribution centers.</p> <p>21 Q. And those communications would</p> <p>22 also be just via email?</p> <p>23 A. Typically, yes.</p> <p>24 Q. Any other ways besides email?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. Normal communications. Their 2 offices are not too -- their office was not too 3 far from mine, so we would have conversations. 4 Q. You mean just like walk down to 5 their office? 6 A. Yep. 7 Q. How did you communicate existing 8 or long-standing DEA regulations regarding 9 distribution of controlled substances? 10 MS. McENROE: Objection to form. 11 THE WITNESS: I didn't 12 communicate to the distribution centers. 13 That responsibility would have been on 14 Chris or Kevin Mitchell, depending on the 15 time. But I was not directly 16 communicating to the distribution 17 centers. 18 BY MR. POWERS: 19 Q. How did you communicate existing 20 DEA rules and regulations to either Chris Belli 21 or Kevin Mitchell? 22 A. I don't know that I did that on a 23 routine basis. I believe they were very well 24 versed in existing DEA rules and regulations.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Who? 2 A. Amanda Glover. 3 Q. Anyone else? 4 A. Mike Podgurski, Zach Hicks, Greg 5 Mills. 6 Q. Anyone else? 7 A. Scott Jacobson. 8 Q. Did you ever consult anyone 9 outside of Rite Aid when you were formulating 10 guidance on DEA regulations? 11 A. Occasionally. 12 Q. Who? 13 A. We had outside counsel at one 14 point, Hyman, Phelps & McNamara. 15 Q. When was that, when you had 16 Hyman, Phelps & McNamara help you with 17 formulating DEA guidance? 18 A. 2010 and back. 19 Q. You say and back, do you mean 20 before 2010? 21 A. Yes, yes. And that could give or 22 take. That was just pretty much when we stopped 23 communicating. But we still sent communications 24 to them, but not like asking questions or</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. You also mentioned that it was 2 your job to formulate guidance as to the policies 3 and procedures regarding DEA compliance; is that 4 right? 5 A. That is correct. 6 Q. How did you formulate the 7 guidance? 8 A. I would look at a regulation 9 and/or a proposed rule and say, how would this 10 impact Rite Aid. And then if there was a certain 11 action plan that I thought would work as far as 12 rolling out the guidance, then I would put a 13 communication together and say, hello, this is 14 the new DEA regulation and this is how I feel we 15 should do something with it. 16 Q. What did you rely on when you 17 were formulating the guidance? 18 A. The -- what had been proposed or 19 what had come out, the industry information that 20 it was out there, and my own knowledge. 21 Q. Did you ever consult anyone else 22 within Rite Aid about formulating guidance 23 regarding DEA regulations? 24 A. Certainly.</p>	<p style="text-align: right;">Page 61</p> <p>1 whatever. 2 Q. Do you know approximately when 3 you started using Hyman, Phelps & McNamara for 4 guidance -- excuse me, to formulate guidance on 5 DEA regulations? 6 A. I don't remember. 7 Q. Can you give me an approximate 8 date? 9 A. At least 2000. 10 Q. And who would you talk to at 11 Hyman, Phelps & McNamara about DEA regulations? 12 A. Karla Palmer. 13 Q. Anyone else? 14 A. Larry Houck. 15 Q. Can you spell that last name? 16 A. H-O-U-C-K. 17 Q. Anyone else besides Karla Palmer 18 and Larry Houck? 19 A. John Gilbert. 20 Q. Anyone else? 21 A. Those were the three main 22 individuals. 23 Q. How did you communicate with 24 Hyman, Phelps & McNamara?</p>

<p style="text-align: right;">Page 62</p> <p>1 A. Either email or a phone call.</p> <p>2 Q. And you mentioned there was some</p> <p>3 communication with Hyman, Phelps & McNamara after</p> <p>4 2010. Right?</p> <p>5 A. There is, yes.</p> <p>6 Q. What was the nature of that</p> <p>7 communication after 2010?</p> <p>8 MS. McENROE: Objection, calls</p> <p>9 for privileged information. I instruct</p> <p>10 the witness not to answer.</p> <p>11 Do you have a more specific</p> <p>12 question not seeking privileged</p> <p>13 information? The word "nature" is not</p> <p>14 specific to not seek privileged</p> <p>15 communications.</p> <p>16 BY MR. POWERS:</p> <p>17 Q. After 2010, how did your -- or</p> <p>18 how did Rite Aid's relationship with Hyman,</p> <p>19 Phelps & McNamara change?</p> <p>20 A. I would occasionally call them to</p> <p>21 ask them a question. I also communicate with</p> <p>22 Karla Palmer in the instance where there is a</p> <p>23 prescriber --</p> <p>24 MS. McENROE: Hold on -- nothing</p>	<p style="text-align: right;">Page 64</p> <p>1 about an hour anyway.</p> <p>2 MR. POWERS: Sure. That's fine.</p> <p>3 THE VIDEOGRAPHER: Going off the</p> <p>4 record at 10:30 a.m.</p> <p>5 - - -</p> <p>6 (A recess was taken from</p> <p>7 10:30 a.m. to 10:44 a.m.)</p> <p>8 - - -</p> <p>9 THE VIDEOGRAPHER: We're back on</p> <p>10 the record at 10:44 a.m.</p> <p>11 BY MR. POWERS:</p> <p>12 Q. Welcome back, Ms. Hart.</p> <p>13 Before we took the break, we were</p> <p>14 talking about a settlement agreement that Rite</p> <p>15 Aid had had.</p> <p>16 Can you explain what that</p> <p>17 settlement agreement was?</p> <p>18 A. Rite Aid entered into a</p> <p>19 settlement agreement with the Drug Enforcement</p> <p>20 Administration in 2009.</p> <p>21 Q. What was the nature of that</p> <p>22 settlement?</p> <p>23 MS. McENROE: Objection to form.</p> <p>24 THE WITNESS: There are alleged</p>
<p style="text-align: right;">Page 63</p> <p>1 substantive. So just in terms of the</p> <p>2 nuts and bolts. That's it.</p> <p>3 THE WITNESS: Okay. So I would</p> <p>4 send email communications to them or call</p> <p>5 them.</p> <p>6 BY MR. POWERS:</p> <p>7 Q. I'm just trying to understand why</p> <p>8 you gave 2010 as the end date for your</p> <p>9 relationship with Hyman, Phelps & McNamara.</p> <p>10 How come you used 2010 as the</p> <p>11 date that you ended the relationship, but it</p> <p>12 seems like you communicate after 2010 with Hyman,</p> <p>13 Phelps?</p> <p>14 A. They were primarily our counsel</p> <p>15 prior to that time. And then at that point we</p> <p>16 had a settlement agreement and they worked us</p> <p>17 through the settlement agreement. And then our</p> <p>18 counsel went to another firm.</p> <p>19 Q. What was the firm after Hyman,</p> <p>20 Phelps & McNamara?</p> <p>21 A. Morgan Lewis.</p> <p>22 THE WITNESS: May we take a</p> <p>23 break?</p> <p>24 MS. McENROE: Yeah. It's been</p>	<p style="text-align: right;">Page 65</p> <p>1 recordkeeping violations, alleged missing</p> <p>2 drugs.</p> <p>3 BY MR. POWERS:</p> <p>4 Q. Did you have any involvement in</p> <p>5 the discussions that led to that settlement</p> <p>6 agreement?</p> <p>7 A. I did.</p> <p>8 Q. What was the nature of your</p> <p>9 involvement?</p> <p>10 MS. McENROE: Objection to form.</p> <p>11 Also, just careful caution</p> <p>12 here -- and I know it originally came up</p> <p>13 in the context of privileged information</p> <p>14 and communication with counsel.</p> <p>15 I caution you not to discuss</p> <p>16 anything you discussed with counsel or</p> <p>17 you learned from counsel.</p> <p>18 THE WITNESS: Okay.</p> <p>19 For the settlement agreement, I</p> <p>20 had obtained documents, looked at the</p> <p>21 records based on the allegations of the</p> <p>22 Drug Enforcement Administration and</p> <p>23 reviewed the documents to determine if</p> <p>24 the allegations were correct or not. I</p>

<p style="text-align: right;">Page 66</p> <p>1 visited various stores to look for 2 records. I met with various AUSAs to 3 provide records with outside counsel. 4 BY MR. POWERS: 5 Q. Was there anything else in the 6 settlement agreement beyond recordkeeping 7 violations? 8 MS. McENROE: Objection to form. 9 THE WITNESS: There were 10 allegations of medications lost or 11 medications that weren't accounted for. 12 That was the other part of my 13 recollection of it. 14 BY MR. POWERS: 15 Q. Anything else? 16 MS. McENROE: Objection to form. 17 THE WITNESS: There could be 18 more, I just don't remember. 19 BY MR. POWERS: 20 Q. Did the settlement agreement have 21 any allegations regarding Rite Aid knowingly 22 filling prescriptions for controlled substances 23 that were not issued for legitimate medical 24 purposes?</p>	<p style="text-align: right;">Page 68</p> <p>1 computer-based training. We enhanced our 2 DEA store checklist. 3 BY MR. POWERS: 4 Q. Anything else? 5 A. There could be more, I just don't 6 remember. 7 Q. As a result of the 2009 8 settlement, did Rite Aid make any changes with 9 regards to its operations as a controlled 10 substance distributor? 11 MS. McENROE: Objection to form. 12 THE WITNESS: We did not. The 13 Rite Aid distribution center was not 14 involved in the settlement agreement. 15 BY MR. POWERS: 16 Q. I think you mentioned -- you 17 referred to it as a counting on a quarterly basis 18 of hydrocodone. 19 What does that mean? 20 A. That means that every quarter 21 Rite Aid would count the hydrocodone that we had 22 on our shelves and balance it to make sure that 23 the inventory was correct. 24 Q. When you say on the shelves, you</p>
<p style="text-align: right;">Page 67</p> <p>1 MS. McENROE: Objection to form. 2 THE WITNESS: It did. 3 BY MR. POWERS: 4 Q. In your role as the director of 5 the government affairs office in 2009, did you 6 make any changes as a result of that 2009 7 settlement with the Department of Justice? 8 MS. McENROE: Objection to form. 9 THE WITNESS: Rite Aid had been 10 making changes up to the settlement 11 agreement. Part of the settlement 12 agreement was counting of hydrocodone and 13 acetaminophen on a quarterly basis. We 14 implemented the MethCheck system in our 15 stores. 16 But prior to the 2009 settlement, 17 we had put in a comprehensive program. 18 And that program continues to evolve. 19 BY MR. POWERS: 20 Q. Let me specify my question. 21 As a direct result of the 2009 22 settlement, what changes were made at Rite Aid? 23 MS. McENROE: Objection to form. 24 THE WITNESS: We updated our DEA</p>	<p style="text-align: right;">Page 69</p> <p>1 mean on the shelves at the individual pharmacies? 2 A. In the stores, yes. 3 Q. What is the DEA computer-based 4 training that you referred to earlier? 5 A. It is training for pharmacists 6 to -- in all aspects of DEA guidance related to 7 222 Forms, everything that -- what to look for 8 for a prescription. Everything that would be 9 required. 10 Q. And that DEA computer-based 11 training, was that only for the individual Rite 12 Aid stores? 13 MS. McENROE: Object to the form. 14 THE WITNESS: It was. 15 BY MR. POWERS: 16 Q. So we were talking earlier about 17 resources outside of Rite Aid that you used in 18 your position in government affairs to formulate 19 guidance on DEA regulations. Right? 20 A. Correct. 21 Q. And you mentioned outside 22 counsel, which we've talked about. 23 Is there anyone else outside of 24 Rite Aid that you used to formulate guidance</p>

<p style="text-align: right;">Page 70</p> <p>1 about DEA regulations?</p> <p>2 A. I would utilize trade groups.</p> <p>3 Q. Which trade groups?</p> <p>4 A. The National Association of Chain</p> <p>5 Drug Stores, the individual state associations,</p> <p>6 Maryland Association of Chain Drug Stores. There</p> <p>7 are retail groups or -- in each of the states</p> <p>8 that would work on legislation or regulation and</p> <p>9 formulate information in how it should be rolled</p> <p>10 out.</p> <p>11 Q. Besides those trade groups you</p> <p>12 just mentioned, anything else? Any other parties</p> <p>13 or organizations outside of Rite Aid that you</p> <p>14 used to formulate guidance about controlled</p> <p>15 substances in Rite Aid?</p> <p>16 A. The National Association of</p> <p>17 Boards of Pharmacy.</p> <p>18 Q. Did you ever consult guidance</p> <p>19 from the Healthcare Distributors Alliance, the</p> <p>20 HDA?</p> <p>21 A. Never.</p> <p>22 Q. How about the HDMA, I believe is</p> <p>23 the prior name?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 72</p> <p>1 centers as far as their compliance. So</p> <p>2 we did an overall view of our entire</p> <p>3 processes.</p> <p>4 BY MR. POWERS:</p> <p>5 Q. When you say "we" in your</p> <p>6 previous answer, who are you referring to?</p> <p>7 A. Jim Krahulec, myself, pharmacy</p> <p>8 operations.</p> <p>9 Q. Who from pharmacy operations?</p> <p>10 A. It would have been Scott Jacobson</p> <p>11 or Mike Podgurski.</p> <p>12 Q. How did you do your review of the</p> <p>13 policies and procedures that were in place?</p> <p>14 A. We looked at issues that had come</p> <p>15 in from various state inspection notices. If</p> <p>16 there was a recordkeeping allegation from a state</p> <p>17 board of pharmacy, we looked at those and</p> <p>18 determined what some of the more prevalent ones</p> <p>19 were, ones that we were seeing at that point.</p> <p>20 And then we developed different tools that our</p> <p>21 pharmacists could use to organize recordkeeping</p> <p>22 and maintain proper compliance.</p> <p>23 Q. You also said you looked at the</p> <p>24 organization in your stores, what did you mean by</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. So besides outside counsel and</p> <p>2 the trade groups you mentioned, did you rely on</p> <p>3 any other outside individuals or groups to help</p> <p>4 you formulate guidance about the rules and</p> <p>5 regulations surrounding controlled substances?</p> <p>6 A. Not that I can recall.</p> <p>7 Q. To be clear, this is for the</p> <p>8 entire time that you were working in the</p> <p>9 government affairs office between 1995 and 2006?</p> <p>10 A. Yes.</p> <p>11 Q. And your answer is the same?</p> <p>12 A. Yes.</p> <p>13 Q. When you started in the</p> <p>14 government affairs office in 1995, what efforts</p> <p>15 did you make to make sure that Rite Aid was in</p> <p>16 compliance with the current and existing</p> <p>17 regulations regarding controlled substances at</p> <p>18 that point?</p> <p>19 MS. McENROE: Objection to form.</p> <p>20 You may respond.</p> <p>21 THE WITNESS: We reviewed the</p> <p>22 policies and procedures that were in</p> <p>23 place. We looked at organization in our</p> <p>24 stores. We looked at distribution</p>	<p style="text-align: right;">Page 73</p> <p>1 that?</p> <p>2 A. What we were finding was that one</p> <p>3 store would keep invoices in one location in one</p> <p>4 drawer and the other store would keep them in the</p> <p>5 back room with other documentation. And it was</p> <p>6 not -- there was not consistency throughout. So</p> <p>7 at that point then, we developed a DEA</p> <p>8 recordkeeping box that we sent to the store on a</p> <p>9 yearly basis where there are specific folders for</p> <p>10 all of the required DEA documents. So that in</p> <p>11 every store, all the documents are in one place</p> <p>12 and can be located.</p> <p>13 Q. Is that a physical box you --</p> <p>14 A. It's a physical box, yes.</p> <p>15 Q. You also said that you looked at</p> <p>16 the distribution centers as far as their</p> <p>17 compliance.</p> <p>18 What do you mean by that?</p> <p>19 A. I mean, we looked at the</p> <p>20 distribution centers from the standpoint of was</p> <p>21 the cage secure, were there good security</p> <p>22 policies and procedures in place. Were there</p> <p>23 criminal background checks. Was the alarm system</p> <p>24 working. Were the SOPs correct.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q. How did you determine whether the</p> <p>2 SOPs were correct?</p> <p>3 A. I got together with logistics,</p> <p>4 and we had a discussion and went through that,</p> <p>5 through the SOPs.</p> <p>6 Q. And logistics, that would have</p> <p>7 been Chris Belli or Kevin Mitchell?</p> <p>8 A. Yes.</p> <p>9 Q. Did you do a periodic review of</p> <p>10 the SOPs for the distribution centers?</p> <p>11 A. I did not. They were done by our</p> <p>12 IA team, internal assurance team, and by the</p> <p>13 logistics Chris Belli/Kevin Mitchell team.</p> <p>14 Q. And, sorry, we've been saying</p> <p>15 SOPs. We should be clear for the record.</p> <p>16 We're talking about standard</p> <p>17 operating procedures?</p> <p>18 A. Correct.</p> <p>19 Q. Before you reviewed the company's</p> <p>20 SOPs for compliance, how did you familiarize</p> <p>21 yourself with what was required from a compliance</p> <p>22 perspective?</p> <p>23 MS. McENROE: Objection to form.</p> <p>24 THE WITNESS: I was pretty</p>	<p style="text-align: right;">Page 76</p> <p>1 consulted about the policies and procedures</p> <p>2 regarding the distribution of controlled</p> <p>3 substances?</p> <p>4 A. Back in the -- when I first came,</p> <p>5 1995, Jim Krahulec was well versed. And he was</p> <p>6 my mentor, so I learned a lot from him as well.</p> <p>7 Q. Did you ever update your</p> <p>8 understanding of what was required under the</p> <p>9 Controlled Substances Act or other regulations</p> <p>10 regarding controlled substances?</p> <p>11 MS. McENROE: Objection to form.</p> <p>12 THE WITNESS: Can you repeat the</p> <p>13 question?</p> <p>14 BY MR. POWERS:</p> <p>15 Q. Sure.</p> <p>16 Besides when you started in the</p> <p>17 government affairs office in 1995, what other</p> <p>18 actions did you take to familiarize yourself with</p> <p>19 the rules and regulations regarding the</p> <p>20 distribution of controlled substances?</p> <p>21 A. I would attend various</p> <p>22 conferences throughout the country to attain</p> <p>23 knowledge.</p> <p>24 Q. Besides the conferences, what</p>
<p style="text-align: right;">Page 75</p> <p>1 familiar in my role as the PDM, pharmacy</p> <p>2 district manager, in my role as the</p> <p>3 pharmacy division manager with compliance</p> <p>4 with DEA rules and regulations. From the</p> <p>5 standpoint of, that was -- at that point,</p> <p>6 you were also responsible for that in the</p> <p>7 stores.</p> <p>8 From the distribution side, it</p> <p>9 was sort of a read and learn and</p> <p>10 understand the rules and regulations.</p> <p>11 BY MR. POWERS:</p> <p>12 Q. So you just read the rules</p> <p>13 yourself regarding the rules and regulations</p> <p>14 about dispensing controlled substances; is that</p> <p>15 right?</p> <p>16 A. Or I'd interact with the industry</p> <p>17 leaders to have discussions about what they were</p> <p>18 doing, the different best practices that were out</p> <p>19 there.</p> <p>20 Q. Who were the industry leaders you</p> <p>21 interacted with?</p> <p>22 A. People at NACDS, people at the</p> <p>23 Maryland Association of Chain Drug Stores.</p> <p>24 Q. Anyone else at Rite Aid that you</p>	<p style="text-align: right;">Page 77</p> <p>1 else did you do to familiarize yourself with the</p> <p>2 rules and regulations surrounding the</p> <p>3 distribution of controlled substances?</p> <p>4 A. That was pretty much it.</p> <p>5 Q. Did you do any periodic review of</p> <p>6 the Rite Aid policies and procedures regarding</p> <p>7 distribution during your time in the government</p> <p>8 affairs office?</p> <p>9 A. I may have. That responsibility</p> <p>10 to put those into the distribution center rested</p> <p>11 with Chris and Kevin to work with the SOPs. That</p> <p>12 was their primary responsibility.</p> <p>13 Q. So it's your testimony that the</p> <p>14 logistics department was primarily responsible</p> <p>15 for the Rite Aid policies regarding compliance</p> <p>16 with the rules and regulations about the</p> <p>17 distribution of controlled substances; is that</p> <p>18 right?</p> <p>19 MS. McENROE: Objection.</p> <p>20 THE WITNESS: They were the</p> <p>21 experts of logistics and what went on at</p> <p>22 the distribution centers. So, yes, they</p> <p>23 were responsible for the SOPs. I myself</p> <p>24 would coordinate with them to review the</p>

<p style="text-align: right;">Page 78</p> <p>1 SOPs and determine if they were correct.</p> <p>2 BY MR. POWERS:</p> <p>3 Q. In determining whether those SOPs</p> <p>4 were correct, what did you rely on?</p> <p>5 A. DEA rule and regulation, various</p> <p>6 industry resources.</p> <p>7 Q. Did anyone else at Rite Aid help</p> <p>8 you determine whether those regulations were</p> <p>9 correct?</p> <p>10 A. Mr. Krahulec in the beginning.</p> <p>11 And then once I had a better knowledge base,</p> <p>12 primarily myself.</p> <p>13 Q. And you mentioned that you went</p> <p>14 to some conferences about the rules and</p> <p>15 regulations regarding controlled substance</p> <p>16 distribution.</p> <p>17 What were those conferences?</p> <p>18 A. I went to a DEA conference, a</p> <p>19 pharmacy diversion awareness conference where</p> <p>20 that was discussed.</p> <p>21 So various DEA conferences.</p> <p>22 Q. When you say DEA conferences, are</p> <p>23 you talking about conferences put on by the DEA?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1 MS. McENROE: Objection to form.</p> <p>2 THE WITNESS: I do not.</p> <p>3 BY MR. POWERS:</p> <p>4 Q. During your time in the</p> <p>5 government affairs office, did you implement any</p> <p>6 new procedures or policies regarding the</p> <p>7 distribution of controlled substances by Rite</p> <p>8 Aid?</p> <p>9 MS. McENROE: Objection.</p> <p>10 THE WITNESS: I myself did not</p> <p>11 implement any policies and procedures for</p> <p>12 the distribution of controlled</p> <p>13 substances. The logistics team may have</p> <p>14 done that, something I was not aware of.</p> <p>15 But I myself did not implement any.</p> <p>16 BY MR. POWERS:</p> <p>17 Q. Do you know if the logistics team</p> <p>18 implemented any new policies or procedures</p> <p>19 regarding the distribution of controlled</p> <p>20 substances during your time in the government</p> <p>21 affairs office?</p> <p>22 MS. McENROE: Objection.</p> <p>23 THE WITNESS: I believe they did.</p> <p>24 BY MR. POWERS:</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. And you also mentioned a</p> <p>2 diversion awareness conference.</p> <p>3 What was that?</p> <p>4 A. That was the DEA also.</p> <p>5 Q. Do you remember how many DEA</p> <p>6 conferences you actually attended?</p> <p>7 A. From 1995 to present?</p> <p>8 Q. Yes.</p> <p>9 A. 12, 15.</p> <p>10 Q. And before you started working in</p> <p>11 the government affairs office, do you know how</p> <p>12 Rite Aid ensured compliance with the rules and</p> <p>13 regulations regarding the distribution of</p> <p>14 controlled substances?</p> <p>15 MS. McENROE: Objection to form.</p> <p>16 THE WITNESS: Could you state</p> <p>17 that again?</p> <p>18 BY MR. POWERS:</p> <p>19 Q. Sure.</p> <p>20 Before you started working in the</p> <p>21 government affairs office, do you know how Rite</p> <p>22 Aid ensured compliance with the rules and</p> <p>23 regulations regarding the distribution of</p> <p>24 controlled substances?</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. What were those procedures, new</p> <p>2 procedures and policies?</p> <p>3 A. A lot around implementing</p> <p>4 upgraded camera systems, upgrading cages,</p> <p>5 upgrading picking directions.</p> <p>6 Q. Anything else?</p> <p>7 A. Those are the ones that come to</p> <p>8 mind.</p> <p>9 Q. When you say "upgrading picking</p> <p>10 directions," what do you mean by that?</p> <p>11 A. There were various pick machines</p> <p>12 that were in the distribution center. And in</p> <p>13 order to be -- have orders more accurate, they</p> <p>14 would develop upgrades to those machines so that</p> <p>15 the actual people that pick the product in the DC</p> <p>16 had a much easier job.</p> <p>17 Q. And you said it was possible that</p> <p>18 the logistics department implemented policies and</p> <p>19 procedures for the distribution centers that you</p> <p>20 were not aware of; is that right?</p> <p>21 A. That is correct.</p> <p>22 Q. Did the logistics department have</p> <p>23 to get your approval or -- let me phrase that a</p> <p>24 different way.</p>

<p style="text-align: right;">Page 82</p> <p>1 Did the logistics department have</p> <p>2 to get government affairs department approval</p> <p>3 before implementing a new policy or procedure at</p> <p>4 the distribution centers?</p> <p>5 MS. McENROE: Objection to form.</p> <p>6 THE WITNESS: Typically they</p> <p>7 would get approval, yes.</p> <p>8 BY MR. POWERS:</p> <p>9 Q. Was it required?</p> <p>10 MS. McENROE: Objection to form.</p> <p>11 THE WITNESS: I don't know that</p> <p>12 it was required. That was just our</p> <p>13 process.</p> <p>14 BY MR. POWERS:</p> <p>15 Q. And Rite Aid distributed</p> <p>16 controlled substances up until late 2014.</p> <p>17 Correct?</p> <p>18 A. That's correct.</p> <p>19 Q. And the products that Rite Aid</p> <p>20 distributed included hydrocodone combination</p> <p>21 products. Right?</p> <p>22 A. That is correct.</p> <p>23 Q. When Rite Aid was distributing</p> <p>24 controlled substances -- actually, let me back up</p>	<p style="text-align: right;">Page 84</p> <p>1 office?</p> <p>2 MS. McENROE: Objection to form.</p> <p>3 THE WITNESS: I read the SOPs and</p> <p>4 reviewed the policies and procedures and</p> <p>5 became aware of the different aspects of</p> <p>6 the suspicious order monitoring program.</p> <p>7 BY MR. POWERS:</p> <p>8 Q. Did the suspicious order</p> <p>9 monitoring program change at all between when you</p> <p>10 first became aware of it and when Rite Aid</p> <p>11 stopped distributing controlled substances?</p> <p>12 MS. McENROE: Objection to form.</p> <p>13 THE WITNESS: It did change.</p> <p>14 BY MR. POWERS:</p> <p>15 Q. How did it change?</p> <p>16 A. We added another -- a component</p> <p>17 of -- we had an asset protection that would</p> <p>18 monitor part of our suspicious order monitoring</p> <p>19 program. And we upgraded and updated asset</p> <p>20 protection monitoring of our -- portion of our</p> <p>21 suspicious order monitoring program.</p> <p>22 Q. When did that happen?</p> <p>23 A. I would say around 2010.</p> <p>24 Q. And what was the nature of that</p>
<p style="text-align: right;">Page 83</p> <p>1 a second here.</p> <p>2 When we're talking about Rite</p> <p>3 Aid's distribution, can we agree that we're just</p> <p>4 talking about the time period up until late 2014</p> <p>5 when Rite Aid was distributing controlled</p> <p>6 substances?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. When Rite Aid was</p> <p>9 distributing controlled substances, did Rite Aid</p> <p>10 have a suspicious order monitoring program?</p> <p>11 A. We did.</p> <p>12 Q. When has that suspicious order</p> <p>13 monitoring program been in place since?</p> <p>14 A. The suspicious order monitoring</p> <p>15 program has been in place since 1995, when --</p> <p>16 that I became aware of it. It could have been in</p> <p>17 place prior to that, but...</p> <p>18 Q. To the best of your knowledge,</p> <p>19 the suspicious order monitoring program was in</p> <p>20 place from 19 -- at least 1995 until 2014?</p> <p>21 A. Yes.</p> <p>22 Q. How did you familiarize yourself</p> <p>23 with the suspicious order monitoring program when</p> <p>24 you first started in the government affairs</p>	<p style="text-align: right;">Page 85</p> <p>1 upgrade?</p> <p>2 A. We got a new computer system that</p> <p>3 asset protection used to -- for the detection of</p> <p>4 theft and diversion called NaviScript/NaviCase.</p> <p>5 And that particular system had a series of key</p> <p>6 performance indicators that were monitored by</p> <p>7 asset protection. Those key performance</p> <p>8 indicators were previously monitored by another</p> <p>9 system, but this was just an upgraded system.</p> <p>10 Q. What was the previous system that</p> <p>11 monitored the KPIs?</p> <p>12 A. That was an internal system in</p> <p>13 asset protection. I don't know the name of it.</p> <p>14 Q. And the NaviCase/NaviScript</p> <p>15 system you just talked about, that was to monitor</p> <p>16 theft of controlled substances. Right?</p> <p>17 MS. McENROE: Objection, form.</p> <p>18 THE WITNESS: That was to monitor</p> <p>19 theft, but the other key performance</p> <p>20 indicators also monitored ordering, cycle</p> <p>21 counts. There were 90 KPIs.</p> <p>22 BY MR. POWERS:</p> <p>23 Q. What do you mean by cycle counts?</p> <p>24 A. A cycle count is when a</p>

<p style="text-align: right;">Page 86</p> <p>1 pharmacist in a store goes into the system and 2 says that we have -- they have 96 tablets on the 3 shelf. And what happens is the system says 4 they're supposed to have 100. And they count 5 down to 96 and say, okay, I now have 96 instead 6 of the 100. 7 Q. Did the NaviScript/NaviCase 8 system keep track of the inventory at the 9 distribution centers? 10 MS. McENROE: Objection to form. 11 THE WITNESS: Can you phrase the 12 question differently? 13 BY MR. POWERS: 14 Q. It sounds to me like you were 15 talking about the NaviScript/NaviCase system with 16 regards to the individual stores. Right? 17 A. Yes. 18 Q. Did the NaviScript/NaviCase 19 system have any functionality with regards to the 20 distribution centers? 21 MS. McENROE: Objection to form. 22 THE WITNESS: The Navi system 23 from a distribution standpoint, it did 24 not maintain inventory, but it maintained</p>	<p style="text-align: right;">Page 88</p> <p>1 MS. McENROE: Objection to form. 2 THE WITNESS: That was one of the 3 components. 4 Oops, sorry. 5 BY MR. POWERS: 6 Q. And the thresholds were set at 7 5,000 dosage units, 5,000 dosage units for each 8 national drug code. Right? 9 MS. McENROE: Objection to form. 10 THE WITNESS: 5,000 dosage units 11 per each NDC per order. 12 BY MR. POWERS: 13 Q. Per order. 14 And when you say "per order," 15 that's per order by each individual pharmacy. 16 Right? 17 A. Yes. 18 Q. And you said the thresholds was 19 one component of the suspicious order monitoring 20 system. 21 What were the other components? 22 A. Another component was our 23 ordering process and an algorithm that was 24 established by Rite Aid to submit orders to the</p>
<p style="text-align: right;">Page 87</p> <p>1 order data from the distribution center 2 to the stores. 3 BY MR. POWERS: 4 Q. So the Navi -- you said the Navi 5 system could see what was being sent from the 6 distribution center to the individual stores; is 7 that right? 8 A. Yes. 9 Q. Do you know who designed Rite 10 Aid's suspicious order monitoring system 11 originally? 12 A. I do not. 13 Q. Did you personally make any 14 changes to the Rite Aid suspicious order 15 monitoring program? 16 MS. McENROE: Objection to form. 17 THE WITNESS: I don't recall 18 making any changes. From my perspective, 19 again, I may have reviewed some changes 20 that logistics were doing, but I myself, 21 I don't recall making any changes. 22 BY MR. POWERS: 23 Q. That suspicious order monitoring 24 system that Rite Aid had used thresholds. Right?</p>	<p style="text-align: right;">Page 89</p> <p>1 distribution center from our corporate office, 2 based on an individual store's movement. 3 Q. The ordering process you're 4 talking about there, is that the auto 5 replenishment system? 6 A. It is. 7 Q. So the auto replenishment system 8 is part of your suspicious order monitoring 9 program? 10 A. It is. 11 Q. How long has the auto 12 replenishment system been in place for? 13 A. As far back as I know, as I can 14 recall. 15 Q. Even as your time as a 16 pharmacist? 17 A. I don't know that. 18 Q. But -- 19 A. Definitely since 1995. 20 Q. How is the auto replenishment 21 system used in the Rite Aid suspicious order 22 monitoring system? 23 MS. McENROE: Objection to form. 24 THE WITNESS: It is utilized to</p>

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1 generate an order for an individual
2 store.

3 From the suspicious order
4 monitoring process, we know our stores'
5 volume, we know our stores' dispensing,
6 and we're able to take [REDACTED] worth of
7 that dispensing data, place an order so
8 that there's the correct amount on hand,
9 put a slight override into that and
10 place -- provide that to our stores to
11 place an order.

12 An order cannot go over that
13 algorithm coming out of -- from the --
14 from the order going to the distribution
15 center.

16 BY MR. POWERS:

17 Q. How is the limit of the -- just
18 the auto replenishment system different than the
19 threshold limit?

20 MS. McENROE: Objection to form.

21 THE WITNESS: The automated
22 system is different in that it generates
23 an order based on that store's need.

24 When you get to the threshold of

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1 the 5,000 dosage units, that threshold
2 was established as another parameter as
3 part of the process. So it is quite
4 possible that an order could be placed
5 that met the algorithm that was for 5,100
6 tablets to be ordered and the threshold
7 system then at that point in time would
8 kick in and drop that down to 5,000
9 tablets.

10 BY MR. POWERS:

11 Q. But the 5,000 dosage unit
12 threshold, that's not in any electronic form, is
13 it?

14 A. The 5,000 threshold is based on
15 the pickers at the distribution center.

16 Q. So the auto replenishment system
17 could generate an order that was above the 5,000
18 unit thresholds. Right?

19 A. That is correct.

20 Q. And it would then fall on the
21 responsibility of the individuals in the
22 distribution center to then enforce that 5,000
23 dosage unit threshold. Right?

24 A. That is correct.

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1 Q. How does the auto replenishment
2 system identify, report or not ship suspicious
3 orders?

4 MS. McENROE: Objection to form.

5 THE WITNESS: The auto
6 replenishment system does not generate a
7 suspicious order.

8 BY MR. POWERS:

9 Q. It is impossible for the auto
10 replenishment system to generate a suspicious
11 order; is that right?

12 MS. McENROE: Objection to form.

13 THE WITNESS: Based on the
14 algorithm and what is built into it,
15 there's not a suspicious order that's
16 generated by the order system.

17 BY MR. POWERS:

18 Q. My question, though, is, is it
19 impossible for the auto replenishment system to
20 generate a suspicious order?

21 MS. McENROE: Objection to form,
22 asked and answered.

23 THE WITNESS: Could you ask the
24 question again?

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1 BY MR. POWERS:

2 Q. Sure.

3 Is it impossible for the Rite Aid
4 auto replenishment system to generate a
5 suspicious order?

6 MS. McENROE: Objection to form.

7 THE WITNESS: Yes.

8 BY MR. POWERS:

9 Q. The auto replenishment system you
10 said was based on the need of the individual
11 pharmacy. Right?

12 A. Correct.

13 Q. What do you mean when you say by
14 need?

15 A. Based on what is needed to
16 service our patient base, based on that store's
17 previous movement of a particular product.

18 So you would have a drug. We
19 would look at that drug and look at [REDACTED]
20 worth of data. Look at the highest week of that
21 [REDACTED] worth of data and determine a percentage
22 above the highest order that the store could
23 generate. That would go through the system and
24 be -- then would go to the store to be reviewed.

<p style="text-align: right;">Page 94</p> <p>1 Q. And the data you're talking 2 about, that is dispensing data. Right?</p> <p>3 A. Dispensing data.</p> <p>4 Q. And the dispensing data is simply 5 the amount of product that was sold at that 6 particular Rite Aid location. Right?</p> <p>7 MS. McENROE: Objection to form.</p> <p>8 THE WITNESS: The amount of 9 product that was dispensed to our 10 patients, yes.</p> <p>11 BY MR. POWERS:</p> <p>12 Q. So the auto replenishment system 13 doesn't look at who is writing the prescriptions 14 for those patients?</p> <p>15 MS. McENROE: Objection to form.</p> <p>16 THE WITNESS: It does not.</p> <p>17 BY MR. POWERS:</p> <p>18 Q. It doesn't look at the amount of 19 controlled substances as opposed to the amount of 20 noncontrolled substances at that Rite Aid 21 location. Right?</p> <p>22 MS. McENROE: Objection to form.</p> <p>23 THE WITNESS: It does not, but 24 the asset protection KPIs would look at</p>	<p style="text-align: right;">Page 96</p> <p>1 the prescription to make sure that it is for a 2 valid medical reason.</p> <p>3 Q. What are the various elements of 4 the prescription to make sure that it is valid -- 5 to make sure that it is valid for a medical 6 reason?</p> <p>7 A. You need to know the patient, 8 does the pharmacist know the patient. You need 9 to know the prescriber, is the prescriber known 10 to the patient. You would look at, as far as a 11 red flag, what is the distance between the 12 patient and the prescriber.</p> <p>13 You would look at the original 14 hard copy prescription that's presented to you to 15 determine, does it look like it's a forgery. Is 16 there watermarks on it or something that would 17 identify it as a fraudulent prescription.</p> <p>18 You would look at the particular 19 type of prescription and prescriber to make sure 20 that it was a proper prescription. Then you 21 could -- and if all of those were met, then at 22 that point the pharmacist would make the decision 23 to dispense the prescription.</p> <p>24 Q. How about payment in cash, was</p>
<p style="text-align: right;">Page 95</p> <p>1 that.</p> <p>2 BY MR. POWERS:</p> <p>3 Q. The auto replenishment system 4 doesn't do anything to determine the medical need 5 for the individual patients, does it?</p> <p>6 MS. McENROE: Object to form.</p> <p>7 THE WITNESS: It does not.</p> <p>8 Sorry.</p> <p>9 BY MR. POWERS:</p> <p>10 Q. Have you ever heard of the term 11 "red flags of diversion"?</p> <p>12 MS. McENROE: Objection to form.</p> <p>13 THE WITNESS: I've heard of the 14 term "red flags."</p> <p>15 BY MR. POWERS:</p> <p>16 Q. What is your understanding of the 17 term "red flags"?</p> <p>18 A. Red flags is when dispensing a 19 controlled substance prescription, a pharmacist 20 has a corresponding responsibility to make sure 21 that the prescription is dispensed for a valid 22 medical need in the course of the usual practice 23 of the prescription. The pharmacist is to review 24 the prescription and look at various elements of</p>	<p style="text-align: right;">Page 97</p> <p>1 that a red flag of diversion?</p> <p>2 A. It could be.</p> <p>3 Q. Does the auto replenishment 4 system look at any of the red flags of diversion 5 you just discussed in your previous answer?</p> <p>6 MS. McENROE: Objection to form.</p> <p>7 THE WITNESS: It does not.</p> <p>8 BY MR. POWERS:</p> <p>9 Q. So if those red flags of 10 diversion that we just talked about were 11 occurring, forged prescriptions, paying in cash, 12 things like that, the auto replenishment system 13 would not have any way of detecting that. Right?</p> <p>14 MS. McENROE: Objection to form.</p> <p>15 THE WITNESS: It would not.</p> <p>16 BY MR. POWERS:</p> <p>17 Q. You also talked about the auto 18 replenishment system relying on [REDACTED] of data. 19 Is that just the dispensing data?</p> <p>20 A. Yes.</p> <p>21 Q. And that's just purely the volume 22 of product dispensed. Right?</p> <p>23 MS. McENROE: Objection to form.</p> <p>24 THE WITNESS: Yes. Dispensed to</p>

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Page 100

1 the patient.

2 BY MR. POWERS:

3 Q. The 5,000 dosage unit threshold

4 that the distribution center -- well, let me back

5 up there.

6 The 5,000 dosage unit threshold

7 was used by the distribution centers; right?

8 A. That is correct.

9 Q. And that 5,000 dosage unit

10 threshold was the same for every distribution

11 center?

12 A. It was.

13 Q. And it was -- that 5,000 dosage

14 unit threshold was the same for every store that

15 the distribution centers distributed to.

16 Correct?

17 MS. McENROE: Objection to form.

18 THE WITNESS: It was.

19 BY MR. POWERS:

20 Q. Were there any exceptions to that

21 5,000 dosage unit threshold?

22 A. There were exceptions.

23 Q. So besides some of the stores

24 with exceptions, there was a generic threshold

A horizontal bar chart titled 'U.S. should take action to address climate change'. The y-axis lists age groups: 18-29, 30-49, 50-69, 70+, and 'All adults'. The x-axis shows percentages from 0 to 100. For each age group, there are two bars: a blue bar for 'Total' and a red bar for 'Men'. The data is as follows:

Age Group	Total (%)	Men (%)
18-29	93	93
30-49	88	88
50-69	84	84
70+	78	78
All adults	84	84

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Page 101

1 limit for all Rite Aid stores?
2 MS. McENROE: Objection to form.
3 THE WITNESS: Yes. 5,000 per
4 NDC.
5 - - -
6 (Deposition Exhibit No. Rite
7 Aid-Hart-1, Distribution/Customer Support
8 Center, DEA Regulatory Guidelines,
9 Policy, Bates stamped
10 Rite_Aid_OMDL_0046157 through
11 Rite_Aid_OMDL_0046226, was marked for
12 identification.)
13 - - -
14 BY MR. POWERS:
15 Q. I'm going to hand what's been
16 marked as Rite Aid-Hart Exhibit 1. It's a
17 document, somewhat lengthy, but I'm going to
18 direct your attention to a particular page in it.
19 The Bates number on the document is
20 Rite_Aid_OMDL_0046157 through 46226.

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 16 categories combining age and gender. The x-axis represents the percentage, ranging from 0% to 100%.

Age Group	Gender	Percentage
18-29	Male	82%
18-29	Female	88%
30-49	Male	65%
30-49	Female	82%
50-69	Male	90%
50-69	Female	42%
70+	Male	78%
70+	Female	97%
18-29	Male	95%
18-29	Female	90%
30-49	Male	68%
30-49	Female	42%
50-69	Male	88%
50-69	Female	95%
70+	Male	78%
70+	Female	95%
18-29	Male	95%
18-29	Female	88%
30-49	Male	48%
30-49	Female	82%
50-69	Male	42%
50-69	Female	90%
70+	Male	42%
70+	Female	90%

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Page 104

Government	Percentage
Current government	85%
Previous government	15%

Category	Should take action	Should not take action
All respondents	95%	5%
Age		
18-29	95%	5%
30-49	95%	5%
50-69	95%	5%
70+	95%	5%
Gender		
Male	95%	5%
Female	95%	5%
Education		
High school or less	95%	5%
Some college	95%	5%
Bachelor's degree	95%	5%
Graduate degree	95%	5%

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Page 105

A horizontal bar chart titled "U.S. should take action to address climate change" showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 16 categories, each representing a combination of age and gender. The x-axis represents the percentage, ranging from 0% to 100%.

Category	Percentage
18-29 Male	88%
18-29 Female	92%
30-49 Male	85%
30-49 Female	82%
50-69 Male	58%
50-69 Female	85%
70+ Male	88%
70+ Female	88%
18-29 Male	95%
18-29 Female	85%
30-49 Male	25%
30-49 Female	55%
50-69 Male	35%
50-69 Female	78%
70+ Male	82%
70+ Female	75%
18-29 Male	92%
18-29 Female	88%
30-49 Male	80%
30-49 Female	78%
50-69 Male	85%
50-69 Female	82%
70+ Male	92%
70+ Female	88%

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Page 108

Row	Bar Length (approx. % of total width)
1	85
2	10
3	90
4	95
5	100
6	80
7	45
8	88
9	92
10	98
11	65
12	100
13	10
14	85
15	100
16	10
17	88
18	100
19	65
20	85
21	100
22	65
23	85
24	75
25	98
26	75
27	10
28	92
29	10
30	10

Category	Percentage
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10	100%
11	100%
12	100%
13	100%
14	100%
15	100%
16	100%
17	100%
18	100%
19	100%
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21	100%
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40	100%
41	100%
42	100%
43	100%
44	100%
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69	100%
70	100%
71	100%
72	100%
73	100%
74	100%
75	100%
76	100%
77	100%
78	100%
79	100%
80	100%
81	100%
82	100%
83	100%
84	100%
85	100%
86	100%
87	100%
88	100%
89	100%
90	100%
91	100%
92	100%
93	100%
94	100%
95	100%
96	100%
97	100%
98	100%
99	100%
100	100%

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Age Group	Should Take Action (%)	Should Not Take Action (%)
18-29	95	5
30-49	95	5
50-69	95	5
70+	95	5

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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1 A. I do.
2 Q. Is the distribution center the
3 one who is determining whether the order is
4 suspicious or not?
5 MS. McENROE: Objection to form.
6 THE WITNESS: They are.
7 BY MR. POWERS:
8 Q. How do they determine whether the
9 order is suspicious or not?
10 MS. McENROE: Objection, form.
11 THE WITNESS: They would look at
12 the quantity of the order. They would
13 look at the -- at the distribution
14 center, they know the previous store's
15 history from picking the order every
16 week. They may see a store that has
17 ordered five of a particular item. And
18 then one week off, there could be 15
19 ordered. So at that point they would
20 say, this store always gets five. Let's
21 call the store and determine if they
22 really wanted 15.
23 BY MR. POWERS:
24 Q. Were there any written policies

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1 or procedures about how the distribution center
2 was supposed to determine whether an order was
3 suspicious?
4 MS. McENROE: Objection to form.
5 THE WITNESS: There are policies
6 and procedures to determine a suspicious
7 order, yes.
8 BY MR. POWERS:
9 Q. You were talking about the
10 distribution center looking at the history of the
11 order.
12 A. Uh-huh.
13 Q. Was there any guidance given to
14 the distribution centers to determine what would
15 be used to determine, regarding order history,
16 what was suspicious?
17 MS. McENROE: Objection, form.
18 THE WITNESS: Can you repeat the
19 question?
20 BY MR. POWERS:
21 Q. Sure.
22 You said the distribution center
23 employees knew the stores they were picking for.
24 Right?

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1 A. Correct.
2 Q. And they gained that knowledge
3 through picking for those stores periodically
4 during their jobs. Right?
5 MS. McENROE: Objection to form.
6 THE WITNESS: Correct. They pick
7 a store once a week.
8 BY MR. POWERS:
9 Q. So besides just being the one who
10 picks that store every week, was there any way --
11 any other way that the distribution center
12 employees were supposed to determine whether or
13 not an order was suspicious?
14 MS. McENROE: Objection to form.
15 THE WITNESS: To the best of my
16 knowledge, no.
17 BY MR. POWERS:
18 Q. And in paragraph 4 here, it says,
19 "Any order which is determined to be suspicious
20 will be immediately reported to the corporate
21 office."
22 Who at the corporate office would
23 the suspicious orders be reported to?
24 A. That would be me.

<p style="text-align: right;">Page 114</p> <p>1 Q. Were any suspicious orders ever 2 reported to you at the corporate office? 3 A. There were none reported to me. 4 Q. And to be clear, you never 5 received a report of a suspicious order your 6 entire time working in the corporate office from 7 1995 through 2018. Correct? 8 A. I did not. 9 Q. Going down to paragraph 5, it 10 says, if a suspicious order is reported to 11 corporate, the corporate government affairs will 12 determine whether to "ship" or "do not ship." 13 Do you see that? 14 A. I do. 15 Q. And this is the same corporate 16 office that we just referred to, the government 17 affairs office. Right? 18 A. That is correct. 19 Q. So that would be you? 20 A. That would be me. 21 Q. How would you make the 22 determination of whether to ship or not ship? 23 A. There would be a number of 24 factors that would come into play. The very</p>	<p style="text-align: right;">Page 116</p> <p>1 factors based on? 2 A. Based on my knowledge of the 3 industry, based on my years of experience having 4 dealt with the DEA for a period of -- for a long 5 period of time, and knowing how to review a store 6 as far as its book of business, going way back to 7 even my days as the pharmacy district manager in 8 the Baltimore market. 9 Q. But to be clear, you never had to 10 make the decision whether to ship or not ship 11 because you never received any report of a 12 suspicious order. Right? 13 A. That is correct. 14 Q. And going down to paragraph 6, it 15 says, "All discussions, investigations and 16 reports will be maintained in the file designated 17 'Suspicious Orders.'" 18 Do you see that? 19 A. I do. 20 Q. Am I correct to assume that there 21 was no file designated suspicious orders because 22 there were no suspicious orders? 23 A. You are correct. 24 Q. Who would keep that file, if</p>
<p style="text-align: right;">Page 115</p> <p>1 first factor that I would look at is if it was an 2 auto ship order, that it came through the 3 algorithm and that was what the algorithm 4 provided. That would be a key one. 5 A second one would be to look at 6 the size of the order, to determine if the 7 unusual size of it was due to something at the 8 pharmacy that was placing the order, if there was 9 something unusual happening at that pharmacy. 10 Q. Anything else you would look at? 11 A. That would be it. 12 Q. Was there any written policy or 13 procedure about how to make that decision about 14 whether to ship or not ship? 15 A. To the best of my knowledge, no. 16 Q. So the factors you just testified 17 about that you would use to determine whether to 18 ship or not ship, those were just ones that you 19 yourself personally came up with. Right? 20 A. Yes. 21 MS. McENROE: Objection to form. 22 THE WITNESS: Sorry. 23 BY MR. POWERS: 24 Q. What were those based on, those</p>	<p style="text-align: right;">Page 117</p> <p>1 there was one? 2 A. Our office would maintain a file. 3 And there would be a file maintained at the 4 individual distribution center. 5 Q. How did you ensure that the 6 policy we just talked about in Exhibit 1 7 reflected on page 46179 was followed at the 8 distribution centers? 9 MS. McENROE: Objection to form. 10 THE WITNESS: The distribution 11 center has constant monitoring. They 12 have audits completed by our internal 13 audit group and by asset protection, and 14 by logistics and transportation, where 15 there are individual groups that go into 16 each of the distribution centers once a 17 year on behalf of Rite Aid and have a 18 checklist of compliance to review at the 19 distribution centers. 20 So there is a review done to make 21 sure that the processes are being 22 followed related to suspicious orders, 23 security. All of the policies and 24 procedures are reviewed and there is a</p>

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1 specific checklist completed.

2 BY MR. POWERS:

3 Q. Did you personally have any

4 responsibility for ensuring compliance with the

5 excessive or suspicious order monitoring

6 procedure?

7 MS. McENROE: Objection to form.

8 THE WITNESS: Those particular

9 checklists were, again, completed by

10 logistics.

11 BY MR. POWERS:

12 Q. But my question is, did you have

13 any personal responsibility for ensuring the

14 distribution center compliance with the excessive

15 order monitoring or suspicious order monitoring

16 procedure?

17 MS. McENROE: Objection to form.

18 THE WITNESS: I had

19 responsibility for reviewing the policies

20 and procedures and the checklists and

21 that, but the sole responsibility as far

22 as like the monitoring and if there was

23 something that needed to be corrected or

24 something along those lines, that would

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1 rest with logistics.

2 MS. McENROE: Hey, Will, we've

3 been going about an hour. When you find

4 a good time for a break, that would be

5 appreciated.

6 MR. POWERS: Yeah, we can take a

7 break now. That's fine.

8 MS. McENROE: Great. Thank you.

9 THE VIDEOGRAPHER: Going off the

10 record at 11:41 a.m.

11 - - -

12 (A recess was taken from

13 11:41 a.m. to 11:58 a.m.)

14 - - -

15 THE VIDEOGRAPHER: We're back on

16 the record at 11:58 a.m.

17 BY MR. POWERS:

18 Q. Welcome back, Ms. Hart. I'm

19 going to hand you what's been marked as Rite

20 Aid-Hart Exhibit 2. It's, once again, a large

21 document, but I'm only going to talk to you about

22 one page. It is Bates number

23 Rite_Aid_OMDL_0014804 through 14873. Take a look

24 at that.

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1 - - -

2 (Deposition Exhibit No. Rite

3 Aid-Hart-2, Rite Aid Distribution Center

4 DEA Regulatory Guidelines,

5 Rite_Aid_OMDL_0014804 through

6 Rite_Aid_OMDL_0014874, was marked for

7 identification.)

8 - - -

9 THE WITNESS: Thank you.

10 BY MR. POWERS:

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 121

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 122

[REDACTED]

Page 124

[REDACTED]

8 Q. You can put those exhibits to the

9 side.

10 I'm going to hand you what's been

11 marked as Hart Exhibit 3. The Bates number on

12 this exhibit is Rite_Aid_OMDL_0015079 through

13 15081.

14 - - -

15 (Deposition Exhibit No. Rite

16 Aid-Hart-3, Controlled Drug Above Average

17 Order Monitoring Program, Bates stamped

18 Rite_Aid_OMDL_0015079 through

19 Rite_Aid_OMDL_0015081, was marked for

20 identification.)

21 - - -

22 BY MR. POWERS:

23 Q. Take a look at that.

24 A. (Reviewing document.)

Page 123

[REDACTED]

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[REDACTED]

Page 126

Page 128

Page 127

Page 129

Page 129

Row	Bar Length (approx. % of total width)
1	10
2	55
3	75
4	95
5	90
6	40
7	85
8	90
9	88
10	92
11	85
12	15
13	75
14	90
15	70
16	25
17	70
18	90
19	60
20	30
21	70
22	98
23	15
24	35
25	80
26	90
27	15
28	40

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Page 132

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 16 categories representing combinations of age and gender. The x-axis represents the percentage, ranging from 0 to 100. The bars are colored in a light blue/teal shade.

Category	Percentage (%)
18-29 Male	~85
18-29 Female	~88
30-49 Male	~92
30-49 Female	~95
50-69 Male	~40
50-69 Female	~50
70+ Male	~30
70+ Female	~78
18-29 Male	~75
30-49 Male	~90
50-69 Male	~45
70+ Male	~85
18-29 Female	~88
30-49 Female	~92
50-69 Female	~95
70+ Female	~98
18-29 Male	~30
30-49 Male	~85
50-69 Male	~35
70+ Male	~80
18-29 Female	~88
30-49 Female	~92
50-69 Female	~95
70+ Female	~100

[illegible]

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Page 133

Row	Bar Length (approx. % of total width)
1	85
2	45
3	25
4	80
5	95
6	85
7	80
8	98
9	95
10	20
11	85
12	15
13	85
14	75
15	95
16	90
17	80
18	95
19	90
20	75

A horizontal bar chart titled 'U.S. should take action to address climate change'. The y-axis lists age groups: 18-29, 30-49, 50-69, 70+, and 'All adults'. The x-axis represents the percentage of respondents, ranging from 0 to 100 in increments of 10. For each age group, there are two bars: a blue bar for 'Men' and an orange bar for 'Women'. The data shows that across all age groups, a majority of respondents believe the U.S. should take action to address climate change. The percentage is generally higher for women than for men, and for younger age groups compared to older ones.

Age Group	Men (%)	Women (%)
18-29	88	92
30-49	85	88
50-69	82	85
70+	78	80
All adults	83	86

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Page 136

[illegible]

A horizontal bar chart titled "U.S. should take action to address climate change" showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 16 categories combining age and gender. The x-axis represents the percentage, ranging from 0% to 100%.

Age Group	Gender	Percentage
18-29	Male	92%
18-29	Female	95%
30-49	Male	88%
30-49	Female	90%
50-69	Male	85%
50-69	Female	87%
70+	Male	82%
70+	Female	84%
18-29	Male	80%
18-29	Female	82%
30-49	Male	78%
30-49	Female	80%
50-69	Male	75%
50-69	Female	77%
70+	Male	72%
70+	Female	74%

Page 135

Page 137

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 16 categories, each representing a combination of age group and gender. The x-axis represents the percentage of respondents, ranging from 0% to 100%.

Category	Percentage
18-29 Male	92%
18-29 Female	85%
30-49 Male	45%
30-49 Female	85%
50-69 Male	100%
50-69 Female	95%
70+ Male	15%
70+ Female	80%
70+ Male	80%
18-29 Male	95%
18-29 Female	100%
30-49 Male	60%
30-49 Female	35%
50-69 Male	70%
50-69 Female	85%
70+ Male	50%
70+ Female	80%
18-29 Male	20%
30-49 Male	95%
50-69 Male	80%
70+ Male	45%
70+ Female	80%
18-29 Male	100%
18-29 Female	100%

Page 138

[REDACTED]

Page 139

[REDACTED]

Page 140

[REDACTED]

- - -

(Deposition Exhibit No. Rite
Aid-Hart-4, Pharmacy Replenishment System
Store Order History, Bates stamped
Rite_Aid_OMDL_0015302 through
Rite_Aid_OMDL_0015307, was marked for
identification.)

- - -

BY MR. POWERS:

Q. I'm going to hand you what's been
marked as Hart Exhibit 4. It is a document that
is Bates labeled Rite_Aid_OMDL_0015302 through
15307. Take a look at that.

A. Thank you.

MS. McENROE: Just for the
record, Will, so that I'm not confusing
myself, I agree the Bates range goes that
direction.

Do you know how this was produced
together with an email behind a document?

MR. POWERS: I believe this Bates

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range was identified by Rite Aid in its
interrogatory responses in this
particular order and range.

MS. McENROE: Got it. Okay.

THE WITNESS: (Reviewing
document.)

BY MR. POWERS:

[REDACTED]

Page 142

[REDACTED]

Page 144

[REDACTED]

Page 143

[REDACTED]

Page 145

[REDACTED]

Page 146

Page 148

A horizontal bar chart titled 'U.S. should take action to address climate change'. The y-axis lists age groups: 18-29, 30-49, 50-69, 70+, and 'All adults'. The x-axis shows percentages from 0 to 100. For each age group, there are two bars: a blue bar for 'Total' and a red bar for 'Men'. The data is as follows:

Age Group	Total (%)	Men (%)
18-29	87	87
30-49	82	82
50-69	80	80
70+	75	75
All adults	79	79

A horizontal bar chart titled 'U.S. should take action to protect the environment'. The y-axis lists age groups: 18-29, 30-49, 50-69, 70+, and 'All'. The x-axis represents the percentage of respondents, ranging from 0 to 100 in increments of 10. The bars show the following approximate values: 18-29 (85%), 30-49 (80%), 50-69 (75%), 70+ (85%), and All (82%).

Age Group	Percentage of Respondents
18-29	85%
30-49	80%
50-69	75%
70+	85%
All	82%

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Page 149



Row	Bar Length (approx. % of total width)
1	85
2	55
3	78
4	65
5	88
6	88
7	65
8	92
9	85
10	98
11	90
12	45
13	85
14	88
15	94
16	40
17	82
18	92
19	75
20	93
21	25
22	88
23	93
24	98

Page 150

[REDACTED]

Page 152

[REDACTED]

Page 151

[REDACTED]

Page 153

[REDACTED]

Page 154

1 [REDACTED]

2 MS. McENROE: Will, before we

3 move on, if it's a good time for lunch at

4 some point soon, if you'll let us know.

5 MR. POWERS: Yeah. Are you okay

6 to do one more document and then we can

7 break for lunch?

8 THE WITNESS: Sure.

9 MR. POWERS: Okay. Actually, you

10 know what, let's just take a break now

11 for lunch. That's fine.

12 MS. McENROE: Great.

13 THE VIDEOGRAPHER: Going off the

14 record at 12:38 p.m.

15 - - -

16 (A luncheon recess was taken from

17 12:38 p.m. to 1:30 p.m.)

18 - - -

19 THE VIDEOGRAPHER: Back on the

20 record at 1:30 p.m.

21 BY MR. POWERS:

22 Q. Welcome back, Ms. Hart.

23 A. Thank you.

24 Q. You understand that you're still

Page 155

1 under oath. Right?

2 A. I do.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 156

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 157

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 158

[REDACTED]

Page 160

[REDACTED]

12 Q. I'm going to hand you what's been
13 marked as Hart Exhibit 5.
14 - - -
15 (Deposition Exhibit No. Rite
16 Aid-Hart-5, Excel Spreadsheet Printout,
17 Bates stamped Rite_Aid_OMDL_0013151, was
18 marked for identification.)
19 - - -
20 THE WITNESS: Thank you.
21 BY MR. POWERS:
22 Q. It's, once again, a multiple-page
23 document. And it --
24 MS. McENROE: Will, do you have

Page 159

[REDACTED]

Page 161

1 the Bates range for this? And can you
2 represent it's a complete document?
3 MR. POWERS: That's a good
4 question.
5 I can grab the Bates number
6 range.
7 I believe it's a native Excel
8 sheet, so --
9 MS. McENROE: And this is the
10 full printout of the full thing?
11 MR. POWERS: Yes.
12 The Bates number on the document
13 is Rite_Aid_OMDL_0013151.
14 MS. McENROE: Thank you.
15 And are these different workbooks
16 from the Excel spreadsheet? Because I'm
17 having a hard time. It kind of looked
18 like the columns are cut off.
19 MR. POWERS: I believe there are
20 different tabs in the spreadsheet.
21 MS. McENROE: Okay.
22 MR. POWERS: And I'll say right
23 now, I'm not going to get too much into
24 the substance of it, so I don't think

Page 162

1 that will matter about the different
2 cutoffs and things.
3 THE WITNESS: (Reviewing
4 document.)
5 BY MR. POWERS:
6 Q. I realize the formatting might be
7 a little bit off in Exhibit 5, but generally do
8 you recognize what is reflected in Exhibit 5?
9 MS. McENROE: Objection to form.
[REDACTED]

Page 163

[REDACTED]

Page 164

[REDACTED]

Page 165

[REDACTED]

Page 166

[REDACTED]

Page 168

[REDACTED]

Page 167

[REDACTED]

Page 169

[REDACTED]

Page 170

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 BY MR. POWERS:
5 Q. Did you make a record of those
6 communications at all?
7 A. If I did, it would be in email.
8 Typically it may be a phone call.
9 Q. So besides an email, there was
10 no -- there was no log of these communications
11 that you would have had with the distribution --
12 or, excuse me -- with the individual pharmacy
13 managers about particular stores that you had
14 questions about from the threshold log; is that
15 right?
16 A. Pharmacy district managers. And
17 that is right.
18 Q. Do you ever recall noticing
19 abnormalities of stores consistently ordering
20 hydrocodone products?
21 A. There could be stores that
22 consistently ordered hydrocodone, of course.
23 Q. But I'm saying in this process
24 we've just talked about, where you contact the

Page 171

1 pharmacy district manager as a result of the
2 threshold log, do you specifically recall any
3 instances where you contacted the pharmacy
4 district manager as a result of hydrocodone
5 orders?
6 A. I don't remember specific to
7 hydrocodone.
8 Q. How about specific to any opioid
9 product that Rite Aid distributed?
10 MS. McENROE: Objection to form.
11 THE WITNESS: I do not.
12 BY MR. POWERS:
13 Q. Did you use these threshold logs
14 that you were reviewing quarterly to determine
15 whether particular orders were suspicious orders?
16 A. I did not.
17 Q. Do you know if Chris Belli and
18 Kevin Mitchell used these logs to determine if
19 orders were suspicious orders?
20 MS. McENROE: Objection to form.
21 THE WITNESS: I do not.
22 BY MR. POWERS:
23 Q. To be clear, when you got these
24 threshold logs, these orders reflected in the

Page 172

1 threshold logs had already been shipped.
2 Correct?
3 A. Yes.
4 Q. I'm going to hand you what's been
5 marked as Rite Aid Exhibit Number -- or Rite
6 Aid_Hart Exhibit Number 6. It's a multi-page
7 document with the Bates number
8 Rite_Aid_OMDL_46227 through 46319. It's a pretty
9 long document. I'm just going to ask you
10 questions about the first page.
11 MS. McENROE: And, Will, do
12 you -- can you reference this is a
13 complete document?
14 MR. POWERS: I believe, once
15 again, it's the range that was identified
16 in the interrogatory responses.
17 - - -
18 (Deposition Exhibit No. Rite
19 Aid-Hart-6, Rite Aid Controlled Drug
20 Reporting Above Average Controlled Drug
21 Purchases Report, Bates stamped
22 Rite_Aid_OMDL_0046227 through
23 Rite_Aid_OMDL_0046319, was marked for
24 identification.)

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1 - - -
2 THE WITNESS: (Reviewing
3 document.)
4 BY MR. POWERS:
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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Page 176

Page 174

Category	Percentage
1. [Redacted]	85%
2. [Redacted]	25%
3. [Redacted]	85%
4. [Redacted]	100%
5. [Redacted]	35%
6. [Redacted]	95%
7. [Redacted]	95%
8. [Redacted]	45%
9. [Redacted]	95%
10. [Redacted]	100%
11. [Redacted]	50%
12. [Redacted]	95%
13. [Redacted]	95%
14. [Redacted]	95%
15. [Redacted]	95%
16. [Redacted]	95%
17. [Redacted]	95%
18. [Redacted]	95%
19. [Redacted]	95%
20. [Redacted]	95%
21. [Redacted]	95%
22. [Redacted]	95%
23. [Redacted]	95%
24. [Redacted]	95%
25. [Redacted]	95%
26. [Redacted]	95%
27. [Redacted]	95%
28. [Redacted]	95%
29. [Redacted]	95%
30. [Redacted]	95%
31. [Redacted]	95%
32. [Redacted]	95%
33. [Redacted]	95%
34. [Redacted]	95%
35. [Redacted]	95%
36. [Redacted]	95%
37. [Redacted]	95%
38. [Redacted]	95%
39. [Redacted]	95%
40. [Redacted]	95%
41. [Redacted]	95%
42. [Redacted]	95%
43. [Redacted]	95%
44. [Redacted]	95%
45. [Redacted]	95%
46. [Redacted]	95%
47. [Redacted]	95%
48. [Redacted]	95%
49. [Redacted]	95%
50. [Redacted]	95%
51. [Redacted]	95%
52. [Redacted]	95%
53. [Redacted]	95%
54. [Redacted]	95%
55. [Redacted]	95%
56. [Redacted]	95%
57. [Redacted]	95%
58. [Redacted]	95%
59. [Redacted]	95%
60. [Redacted]	95%
61. [Redacted]	95%
62. [Redacted]	95%
63. [Redacted]	95%
64. [Redacted]	95%
65. [Redacted]	95%
66. [Redacted]	95%
67. [Redacted]	95%
68. [Redacted]	95%
69. [Redacted]	95%
70. [Redacted]	95%
71. [Redacted]	95%
72. [Redacted]	95%
73. [Redacted]	95%
74. [Redacted]	95%
75. [Redacted]	95%
76. [Redacted]	95%
77. [Redacted]	95%
78. [Redacted]	95%
79. [Redacted]	95%
80. [Redacted]	95%
81. [Redacted]	95%
82. [Redacted]	95%
83. [Redacted]	95%
84. [Redacted]	95%
85. [Redacted]	95%
86. [Redacted]	95%
87. [Redacted]	95%
88. [Redacted]	95%
89. [Redacted]	95%
90. [Redacted]	95%
91. [Redacted]	95%
92. [Redacted]	95%
93. [Redacted]	95%
94. [Redacted]	95%
95. [Redacted]	95%
96. [Redacted]	95%
97. [Redacted]	95%
98. [Redacted]	95%
99. [Redacted]	95%
100. [Redacted]	95%

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Category	Percentage
1	100%
2	95%
3	75%
4	85%
5	88%
6	55%
7	90%
8	88%
9	15%
10	40%
11	80%
12	95%
13	100%
14	85%
15	75%
16	20%
17	80%
18	90%
19	88%
20	85%
21	45%
22	90%
23	88%
24	85%
25	10%

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Page 177

Page 175

Page 177

Page 178

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 BY MR. POWERS:
 13 Q. Are you familiar with the Buzzeo
 14 company?
 15 A. I am.
 16 Q. Is it also called -- I don't know
 17 how to pronounce this exactly, but Cegedim?
 18 A. I am.
 19 Q. It's the same company?
 20 A. (Witness nods head.)
 21 Q. You have to answer --
 22 A. Yes. I'm sorry, yes.
 23 Q. So if we just refer to it --
 24 throughout our discussion, I can just refer to it

Page 179

1 as the Buzzeo company, we'll know what we're
 2 talking about?
 3 A. That's fine, yes.
 4 Q. What kind of services did Buzzeo
 5 offer?
 6 MS. McENROE: Objection to form.
 7 THE WITNESS: Ron Buzzeo offered
 8 services related to regulatory compliance
 9 with DEA rules and regulations. There
 10 was a wealth of services that Ron and his
 11 company offered.
 12 They offered a program to go into
 13 pharmacies and review the pharmacies as
 14 far as compliance with DEA rules and
 15 regulations. They offered programs on
 16 suspicious order monitoring. They
 17 ordered up programs on how to detect
 18 theft and diversion. There was a wide
 19 gamut of programs that they had offered
 20 related to controlled substances.
 21 BY MR. POWERS:
 22 Q. Did Rite Aid ever use any of
 23 those Buzzeo services?
 24 A. I believe we did, yes.

Page 180

1 Q. What was the extent of Rite Aid's
 2 use of Buzzeo services?
 3 A. Our logistics teams utilized
 4 Buzzeo services to review and inspect the
 5 distribution centers for compliance.
 6 Q. Are you referring to audits when
 7 you say review and inspect?
 8 MS. McENROE: Objection to form.
 9 THE WITNESS: Define what you
 10 mean by "audit."
 11 BY MR. POWERS:
 12 Q. There's been testimony that
 13 Buzzeo company came in and audited the Perryman
 14 Distribution Center at some point in time.
 15 Is that the same thing you're
 16 referring to when you say reviewed and inspected?
 17 MS. McENROE: Objection to form.
 18 THE WITNESS: I guess there's two
 19 terms for the definition "audit."
 20 There's an audit of everything in
 21 the entire distribution center, from
 22 paperwork to security to everything along
 23 those lines. And then there's an
 24 individual audit for like specific

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1 controlled substances, so that you would
 2 balance when a controlled substance came
 3 in and when it came out to make sure that
 4 all the drugs in the distribution center
 5 were accounted for. So, yes, I would say
 6 that would be an audit.
 7 BY MR. POWERS:
 8 Q. Did Buzzeo ever perform audits on
 9 Rite Aid facilities, as you just described an
 10 audit?
 11 A. I believe he did at the Perryman
 12 Distribution Center.
 13 Q. Do you know when that was?
 14 A. I don't remember.
 15 Q. Were you involved in that process
 16 of Buzzeo auditing the Perryman Distribution
 17 Center?
 18 A. I was not.
 19 Q. You also mentioned that Buzzeo
 20 had conferences. Right?
 21 A. I don't think I mentioned
 22 conferences.
 23 Q. Did Buzzeo have conferences?
 24 A. Buzzeo had conferences.

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1 Q. Did you ever attend any of the
2 Buzzeo conferences personally?
3 A. I may have attended one
4 conference when I first came into government
5 affairs, but that was pretty much the extent of
6 my attending Buzzeo conferences.
7 Q. Do you know if anyone else from
8 Rite Aid attended Buzzeo conferences?
9 A. Yes. Members of the logistics
10 team would attend the conferences.
11 Q. Who from the logistics team would
12 attend the Buzzeo conferences?
13 A. It varied from year to year, but
14 typically either the person that was in the
15 position of Kevin Mitchell or Chris Belli. I
16 know that occasionally the DEA coordinators would
17 attend the Buzzeo conference.
18 Q. When you say "DEA coordinators,"
19 you're talking about distribution center
20 employees?
21 A. Yes.
22 Q. I am going to hand you what's
23 been marked as Exhibit 7. It's a one-page email
24 Bates stamped Rite_Aid_OMDL_0050632.

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1 - - -
2 (Deposition Exhibit No. Rite
3 Aid-Hart-7, Email chain, top one dated
4 2010-11-16, Bates stamped
5 Rite_Aid_OMDL_0050632, was marked for
6 identification.)
7 - - -
8 BY MR. POWERS:
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Page 184

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Page 185

1 [REDACTED]
2 - - -
3 (Deposition Exhibit No. Rite
4 Aid-Hart-8, Email chain, top one dated
5 2010-11-17, Bates stamped
6 Rite_Aid_OMDL_0050633, was marked for
7 identification.)
8 - - -
9 BY MR. POWERS:
10 Q. I'm going to hand you what's been
11 marked as Exhibit 8. It is another email, one
12 page, with Bates number Rite_Aid_OMDL_0050633.
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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9 Q. And why did you send this to
10 Maggie Perritt?
11 Am I pronouncing her name
12 correctly?
13 A. Yeah, you're pronouncing it
14 correctly.
15 Q. Why did you send this email about
16 suspicious order monitoring to Maggie Perritt?
17 A. Maggie Perritt was in pharmacy
18 operations and was knowledgeable of the
19 suspicious order monitoring algorithm and how the
20 system worked.
21 Q. When you say "suspicious order
22 monitoring algorithm," what are you referring to?
23 A. The algorithm for placing the
24 store's order through the -- looking at the 13

Page 187

1 weeks and then going a certain percentage above
2 to place the order.

3 Q. Is that also the auto
4 replenishment system that we talked about before?

5 A. Yes.

6 Q. Why are you referring to it as a
7 suspicious order monitoring system?

8 MS. McENROE: Objection, form.

9 THE WITNESS: In this one, since
10 it's under suspicious monitoring, that's
11 why I was referring to that, is that --
12 because that was the title of this
13 particular meeting and she was bringing
14 that aspect of it into it.

15 BY MR. POWERS:

16 Q. So Maggie Perritt was the expert
17 on the auto replenishment system that was invited
18 to the suspicious order monitoring meeting; is
19 that right?

20 MS. McENROE: Objection to form.

21 THE WITNESS: From the pharmacy
22 operations side, yes.

23 BY MR. POWERS:

24 Q. And then we talked about Kevin

Page 188

1 Mitchell.
2 Who was Andrew Palmer?
3 A. Andrew Palmer was a director in
4 asset protection at the time, I believe.
5 Q. Why did you invite him to this
6 meeting about suspicious order monitoring?
7 A. Because he was also key as part
8 of it as well. Him and his team were involved
9 with the analytics related to asset protection
10 and the analytics related to the key performance
11 indicators that were looked at from the asset
12 protection side.
13 Q. How did you use the -- let me
14 back up.
15 Did you use the asset protection
16 analytics to determine whether orders were
17 suspicious or not?
18 MS. McENROE: Objection to form.
19 THE WITNESS: We used the asset
20 protection analytics to review orders and
21 look for abnormalities. We did not use
22 the analytics from asset protection prior
23 to an order being shipped.
24 BY MR. POWERS:

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Row	Bar Length (approx. %)
1	75
2	95
3	25
4	90
5	85
6	92
7	95
8	98
9	20
10	92
11	90
12	45
13	40
14	35
15	65
16	95
17	88
18	25
19	55
20	30
21	85
22	90
23	80
24	55

Page 190

[REDACTED]

Page 192

[REDACTED]

Page 191

[REDACTED]

Page 193

[REDACTED]

21 Q. I'm going to hand you what's been
22 marked as Hart Exhibit 9.
23 - - -
24 (Deposition Exhibit No. Rite

Page 198

1 not.

2 Q. Did you look at any Buzzeo

3 materials to determine whether it was compliant

4 or not?

5 A. We did not.

6 Q. Did you look at other

7 distributors' suspicious order monitoring

8 programs to determine whether your Rite Aid

9 system was compliant?

10 MS. McENROE: Objection to form.

11 THE WITNESS: We did not, from

12 the perspective of our system was

13 different than other distributors and our

14 system was different from the Buzzeo

15 programs that were offered in the fact

16 that we were a closed system. Part of

17 other distributors that are out there,

18 their system was know -- part of it is

19 know your customer, where obviously we

20 know our customer. And so we looked at

21 it from that approach.

22 BY MR. POWERS:

23 Q. When you say you know your

24 customer, are you referring to the customers as

Page 199

1 the individual Rite Aid stores?

2 A. I am.

3 Q. So in your view, you never got

4 DEA guidance on the sufficiency of Rite Aid's

5 suspicious order monitoring program; is that

6 right?

7 MS. McENROE: Objection to form.

8 THE WITNESS: We never got DEA

9 guidance.

10 - - -

11 (Deposition Exhibit No. Rite

12 Aid-Hart-10, Email dated 2011-06-03,

13 Bates stamped Rite_Aid_OMDL_0050634, was

14 marked for identification.)

15 - - -

16 BY MR. POWERS:

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 200

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 201

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 MS. McENROE: When you got a

16 chance, we have been going about an hour,

17 for a quick break.

18 MR. POWERS: Okay. I got it.

19 Just a couple more questions on this

20 line.

21 MS. McENROE: Sure.

22 - - -

23 (Deposition Exhibit No. Rite

24 Aid-Hart-11, Email chain, top one dated

Page 202

1 2002-05-14, Bates stamped
2 Rite_Aid_OMDL_0046770 through
3 Rite_Aid_OMDL_0046789, was marked for
4 identification.)
5 - - -
6 BY MR. POWERS:
7 Q. I should have asked you.
8 Are you okay to go a few more
9 minutes?
10 A. (Witness nods head.)
11 Q. I'm going to hand you what's
12 marked Exhibit 11. It's a document, an email and
13 attachment, Bates number Rite_Aid_OMDL_0046770
14 through 46789.
15 A. (Reviewing document.)
16 Q. Are you familiar with the
17 document in Exhibit 11?
18 A. (Reviewing document.)
19 Q. I'll say that I'm not going to
20 ask you direct questions about the email
21 attachment.
22 I'm just saying, are you
23 generally familiar with this document in
24 Exhibit 11?

Page 203

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Page 204

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
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19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Page 205

1 [REDACTED]
2 [REDACTED]
3 Q. So were you asking whether or not
4 Chris Belli was setting up webinars and visits
5 with the Buzzeo folks?
6 A. It could be.
7 Q. Do you know if he ever did that?
8 A. I don't remember.
9 Before we go back to -- go to
10 another document, may I go back and expand upon
11 an answer to a past question?
12 Q. Sure.
13 A. You had asked me the question,
14 had Rite Aid sought guidance from the DEA or had
15 gotten any comments from the DEA.
16 The Perryman Distribution Center
17 was inspected by the DEA in 2005, 2009 and 2012.
18 As the standard operating procedures and the
19 suspicious order monitoring programs were
20 reviewed at all of those times, and there was no
21 deficiencies noted. I just wanted to make that
22 part of the record, to say -- when I say we
23 didn't seek DEA guidance, but we had the DEA that
24 went to the distribution centers and did some

Page 206

1 [REDACTED]

2 Q. Were you present at any of those

3 DEA audits?

4 A. I was not.

5 Q. So you don't have any firsthand

6 knowledge of those audits, do you?

7 MS. McENROE: Objection to form.

8 THE WITNESS: I have -- there's

9 various emails and communications from

10 the individuals that were at the DEA

11 audits.

12 BY MR. POWERS:

13 Q. But you didn't talk to any of the

14 DEA agents who did the inspections, did you?

15 A. Not that I remember.

16 Q. So all the information that you

17 learned about those DEA audits was from someone

18 at the distribution center itself?

19 A. That is correct.

20 MS. McENROE: Will, before we

21 move to another document, can we take a

22 comfort break?

23 MR. POWERS: Sure.

24 THE VIDEOGRAPHER: Going off the

Page 207

1 record at 2:30.

2 - - -

3 (A recess was taken from

4 2:30 p.m. to 2:51 p.m.)

5 - - -

6 THE VIDEOGRAPHER: Back on the

7 record at 2:51 p.m.

8 BY MR. POWERS:

9 Q. Right before the break we were

10 talking about DEA inspectors. Right?

11 A. Yes.

12 Q. Do you know any DEA inspectors

13 personally?

14 A. I know a lot of DEA inspectors.

15 Q. Do you know any DEA -- do you

16 know -- let me back up here.

17 Those DEA inspectors that you

18 know personally, do you know any of them who

19 audited the Perryman Distribution Center?

20 A. I do know one of the DEA agents

21 that audited Perryman.

22 Q. Who was that?

23 A. Doug -- Don Tush.

24 Q. How do you know Don Tush?

Page 208

1 A. When I had the Baltimore market,

2 that was also Don's area from the DEA. So he

3 would visit stores or seek prescriptions, things

4 like that.

5 Q. When you say you had the

6 Baltimore market, what time period was that from?

7 A. That was prior to 1995 when I

8 moved into the corporate office.

9 Q. So you knew him from your time in

10 Baltimore. Right?

11 A. I did.

12 Q. So that would have been sometime

13 before '95. Right?

14 A. Yes.

15 Q. So you knew Don Tush for a while

16 before he audited the Perryman facility in 2012.

17 Right?

18 MS. McENROE: Objection to form.

19 THE WITNESS: Yes. But then I

20 moved out of the area to Camp Hill.

21 BY MR. POWERS:

22 Q. I'm going to hand you what's been

23 marked as Hart Exhibit 12. It's some emails with

24 the Bates stamp Rite_Aid_OMDL_0013345 through

Page 209

1 3346.

2 - - -

3 (Deposition Exhibit No. Rite

4 Aid-Hart-12, Email chain, top one dated

5 2012-07-11, Bates stamped

6 Rite_Aid_OMDL_0013345 and

7 Rite_Aid_OMDL_0013346, was marked for

8 identification.)

9 - - -

10 BY MR. POWERS:

11 Q. Take a look at that.

12 A. (Reviewing document.)

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 210

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
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6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Page 211

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 Before the break, we were also
16 talking about the Buzzeo organization. Correct?
17 A. Correct.
18 Q. And the Buzzeo organization had
19 expertise in things like suspicious order
20 monitoring. Correct?
21 MS. McENROE: Objection to form.
22 THE WITNESS: I'm not sure that I
23 would say that they had expertise. I
24 think they had presentations and
programs. I'm not sure they had

Page 212

1 expertise.
2 BY MR. POWERS:
3 Q. Do you know if the Buzzeo
4 organization had former DEA employees in its
5 employment?
6 A. They did.
7 Q. Rite Aid used the Buzzeo
8 organization to perform some audits at the
9 distribution center, at least the distribution
10 center in Perryman. Right?
11 A. We did.
12 Q. So if Buzzeo did not have the
13 expertise, why did you allow -- why did Rite Aid
14 allow Buzzeo to come do audits?
15 MS. McENROE: Objection.
16 THE WITNESS: He was -- the
17 Buzzeo organization had knowledge of the
18 rules and laws and regulations. And many
19 times, it's much better to have someone
20 with eyes from the outside come in and
21 look at your operations and do an audit
22 and review, as a second set of eyes
23 looking at your policies and procedures.
24 BY MR. POWERS:

Page 213

1 Q. Do you consider Buzzeo's
2 knowledge of the rules and laws and regulations
3 not to be expertise?
4 MS. McENROE: Objection to form.
5 THE WITNESS: I think they are
6 one of the industry-leading companies
7 that have products that they sell to
8 pharmacies and distribution centers to go
9 out and do audits and accountabilities.
10 - - -
11 (Deposition Exhibit No. Rite
12 Aid-Hart-13, Email dated 2012-05-18,
13 Bates stamped Rite_Aid_OMDL_0046855
14 through Rite_Aid_OMDL_0046875, was marked
15 for identification.)
16 - - -
17 BY MR. POWERS:
18 Q. I'm going to hand you what's been
19 marked Rite Aid-Hart Exhibit 13. The Bates
20 number on this exhibit is Rite_Aid_OMDL_46855
21 through 46875. It's an email and an attachment.
22 Why don't you take a look at
23 that.
24 A. (Reviewing document.)

Page 214

1 Q. Once again, this is a multi-page
2 document. I'm going to tell you, I'm going to
3 ask questions about the email and only particular
4 pages in the attachment, if that helps your
5 review.
6 A. Pardon me. The first page and
7 what other pages?
8 Q. Please feel free to review the
9 attachments to the extent you need to, but I will
10 only be asking questions about a couple
11 particular pages that we can -- that I can
12 identify to you when we get to them.
13 A. Okay.
14 (Reviewing document.)
[REDACTED]

Page 215

[REDACTED]

Page 216

[REDACTED]

Page 217

[REDACTED]

A horizontal bar chart titled "U.S. should take action to address climate change." The y-axis lists age groups: 18-29, 30-49, 50-64, 65+, and "Don't know." The x-axis represents the percentage of respondents, ranging from 0% to 100% in 10% increments. For each age group, there are two bars: a blue bar for "Men" and an orange bar for "Women." The data shows that younger age groups are more likely to believe that the U.S. should take action, with 18-29 year olds at 92% and 65+ year olds at 78%. The "Don't know" category is at 12%.

Age Group	Men (%)	Women (%)
18-29	92	92
30-49	88	88
50-64	88	88
65+	78	78
Don't know	12	12

Age Group	Should Take Action	Should Not Take Action
18-29	95%	5%
30-49	95%	5%
50-69	95%	5%
70+	95%	5%

Page 222

[REDACTED]

Page 224

[REDACTED]

Page 223

[REDACTED]

Page 225

[REDACTED]

Page 226

12 BY MR. POWERS:

13 Q. I'm going to hand you what's been
14 marked as Rite Aid Hart Exhibit 14. It's an
15 email exchange, 38054 through 38055.

Take a look at that.

— — —

(Deposition Exhibit No. Rite Aid-Hart-14, Email chain, top one dated 2012-12-18, Bates stamped Rite_Aid_OMDL_0038054 and Rite_Aid_OMDL_0038055, was marked for identification.)

Page 227

1 THE WITNESS: (Reviewing
2 document.)

3 BY MR. POWERS:

Page 228

Page 229

Page 230

[REDACTED]

Page 232

[REDACTED]

Page 231

[REDACTED]

Page 233

[REDACTED]

Row	Bar Length (approx. % of total width)
1	85
2	45
3	45
4	95
5	95
6	85
7	60
8	95
9	85
10	95
11	95
12	95
13	95
14	95
15	85
16	75
17	70
18	45
19	90
20	90
21	90
22	45
23	55
24	90
25	90
26	90
27	95

Row	Bar Length (approx. %)
1	85
2	45
3	80
4	95
5	90
6	45
7	80
8	90
9	95
10	98
11	25
12	75
13	70
14	15
15	90
16	85
17	95
18	98
19	90
20	95

Page 242

Page 244

A horizontal bar chart titled 'U.S. should take action to address climate change'. The y-axis lists age groups: 18-29, 30-49, 50-69, 70+, and 'All adults'. The x-axis shows percentages from 0 to 100. For each age group, there are two bars: a blue bar for 'Total' and a red bar for 'Men'. The data is as follows:

Age Group	Total (%)	Men (%)
18-29	88	85
30-49	85	82
50-69	82	78
70+	78	75
All adults	80	78

A horizontal bar chart titled 'U.S. should take action to protect the environment'. The y-axis lists age groups: 18-29, 30-49, 50-69, 70+, and 'All'. The x-axis shows percentages from 0 to 100. For each age group, there are two bars: a blue bar for 'Men' and a red bar for 'Women'. The data is as follows:

Age Group	Men (%)	Women (%)
18-29	75	75
30-49	75	75
50-69	75	75
70+	75	75
All	75	75

Page 243

Page 245

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 14 categories, and the x-axis shows percentages from 0% to 100%.

Category	Percentage
18-29 Male	92%
18-29 Female	78%
30-49 Male	86%
30-49 Female	95%
50-69 Male	99%
50-69 Female	89%
70+ Male	15%
70+ Female	72%
18-29 Male	25%
30-49 Male	89%
50-69 Male	84%
70+ Male	28%
18-29 Female	92%
30-49 Female	88%
50-69 Female	81%
70+ Female	60%
18-29 Male	45%
30-49 Male	80%
50-69 Male	95%
70+ Male	80%
18-29 Female	80%
30-49 Female	100%

Response	Percentage
U.S. should take action to address climate change	82%
U.S. should not take action to address climate change	18%
U.S. should take action to address climate change	78%
U.S. should not take action to address climate change	22%
U.S. should take action to address climate change	75%
U.S. should not take action to address climate change	25%
U.S. should take action to address climate change	72%
U.S. should not take action to address climate change	28%
U.S. should take action to address climate change	70%
U.S. should not take action to address climate change	30%
U.S. should take action to address climate change	68%
U.S. should not take action to address climate change	32%
U.S. should take action to address climate change	65%
U.S. should not take action to address climate change	35%
U.S. should take action to address climate change	62%
U.S. should not take action to address climate change	38%
U.S. should take action to address climate change	60%
U.S. should not take action to address climate change	40%
U.S. should take action to address climate change	58%
U.S. should not take action to address climate change	42%
U.S. should take action to address climate change	55%
U.S. should not take action to address climate change	45%
U.S. should take action to address climate change	52%
U.S. should not take action to address climate change	48%
U.S. should take action to address climate change	50%
U.S. should not take action to address climate change	50%

Page 246

[REDACTED]

Page 248

[REDACTED]

23 - - -

24 (Deposition Exhibit No. Rite

Page 247

[REDACTED]

Page 249

1 Aid-Hart-16, Email dated 2013-12-24,

2 Bates stamped Rite_Aid_OMDL_0016186 and

3 Rite_Aid_OMDL_0016187, was marked for

4 identification.)

5 - - -

6 BY MR. POWERS:

7 Q. I'm going to hand you what has

8 been marked as Rite Aid-Hart Exhibit Number 16.

9 It is -- surprise, surprise -- another email and

10 attachments. The email is Bates stamp

11 Rite_Aid_OMDL_0016186. And the attachment, which

12 was a native Excel sheet, just has one Bates

13 number, although it's a couple different pages.

14 The Bates number of the attachment is

15 Rite_Aid_OMDL_0016187.

16 A. (Reviewing document.)

17 Q. Is the document -- the email and

18 attachment reflected in Exhibit 16 familiar to

19 you?

[REDACTED]

Page 250

Page 252

A horizontal bar chart titled "U.S. should take action to address climate change" showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 16 categories combining age and gender. The x-axis represents the percentage, ranging from 0% to 100%.

Age Group	Gender	Percentage
18-29	Male	~45%
18-29	Female	~75%
30-49	Male	~90%
30-49	Female	~92%
50-69	Male	~95%
50-69	Female	~98%
70+	Male	~25%
70+	Female	~40%
18-29	Male	~85%
30-49	Male	~95%
50-69	Male	~50%
70+	Male	~95%
18-29	Female	~95%
30-49	Female	~35%
50-69	Female	~55%
70+	Female	~85%
18-29	Male	~92%
30-49	Male	~90%
50-69	Male	~82%
70+	Male	~40%
18-29	Female	~88%
30-49	Female	~95%
50-69	Female	~85%
70+	Female	~60%

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Page 253

Age Group	Should Take Action (%)	Should Not Take Action (%)
18-29	95	5
30-49	95	5
50-69	95	5
70+	95	5

A horizontal bar chart titled 'U.S. should take action to protect the environment'. The y-axis lists age groups: 18-29, 30-49, 50-69, 70+, and 'Total'. The x-axis represents the percentage of respondents, ranging from 0 to 100. Each age group has a corresponding black bar. The 'Total' bar is the longest, followed by 18-29, 30-49, 50-69, and 70+.

Age Group	Percentage of Respondents
18-29	~85%
30-49	~82%
50-69	~65%
70+	~55%
Total	~88%

Page 254

Page 256

Page 254

Row	Bar Length (approx. % of total width)
1	100
2	15
3	25
4	85
5	80
6	45
7	95
8	70
9	45
10	80
11	15
12	35
13	90
14	100
15	100
16	95
17	45
18	90
19	100
20	100
21	45
22	90
23	100
24	45
25	100

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Page 255

Page 257

Page 255

Category	Percentage
1	100%
2	95%
3	90%
4	85%
5	75%
6	65%
7	60%
8	55%
9	50%
10	45%
11	40%
12	35%
13	30%
14	25%
15	20%
16	15%
17	10%
18	5%
19	5%
20	5%
21	5%
22	5%
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91	5%
92	5%
93	5%
94	5%
95	5%
96	5%
97	5%
98	5%
99	5%
100	5%

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Category	Percentage
1	10
2	10
3	10
4	10
5	10
6	10
7	10
8	10
9	10
10	10
11	10
12	10
13	10
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92	10
93	10
94	10
95	10
96	10
97	10
98	10
99	10
100	10

Page 258

[REDACTED]

Page 259

[REDACTED]

Page 260

1 things that we talked about in the daily column
2 here on the "Specialist, Regulatory Compliance"
3 page, you said those were being done at the
4 distribution center. Right?
5 A. Yes.
6 Q. What's your basis for saying
7 that?
8 A. The distribution center was
9 responsible for the picking, reviewing the
10 orders, determining if it was suspicious or not,
11 making the phone call to the pharmacist. And at
12 the same time, if there was a suspicious order,
13 the distribution center was responsible to report
14 that in to corporate. That was part of their
15 standard operating procedures.
16 Q. I just want to be clear. You
17 just said that the distribution center was
18 responsible for determining whether a particular
19 order was suspicious or not; is that right?
20 A. The distribution center was
21 responsible for identifying orders and
22 determining if they were suspicious, yes.
23 Q. Moving on to the next page, the
24 one entitled "Senior Analyst, Controlled

Page 261

[REDACTED]

Page 262

Page 264

Age Group	Should Take Action (%)	Should Not Take Action (%)
18-29	95	5
30-49	92	8
50-69	88	12
70+	85	15

Response	Percentage
U.S. should take action	85%
U.S. should not take action	15%

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Page 265

A horizontal bar chart titled "U.S. should take action to address climate change" showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists 16 categories combining age and gender. The x-axis represents the percentage, ranging from 0% to 100%.

Age Group	Gender	Percentage
18-29	Male	75%
18-29	Female	65%
30-49	Male	35%
30-49	Female	75%
50-69	Male	80%
50-69	Female	70%
70+	Male	70%
70+	Female	60%
70+	Female	55%
18-29	Male	85%
30-49	Male	40%
30-49	Female	75%
50-69	Male	95%
50-69	Female	20%
70+	Male	85%
70+	Female	40%
70+	Female	35%
18-29	Male	85%
18-29	Female	95%
30-49	Male	75%
30-49	Female	85%
50-69	Male	85%
50-69	Female	95%
70+	Male	85%
70+	Female	95%

Group	Should Take Action (%)	Should Not Take Action (%)
All respondents	85	15
Gender		
Male	86	14
Female	84	16
Age		
18-29	87	13
30-49	85	15
50-69	83	17
70+	81	19
Education		
High school or less	83	17
Some college	85	15
Bachelor's or higher	87	13

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[REDACTED]

Page 268

[REDACTED]

Page 267

[REDACTED]

Page 269

[REDACTED]

7 MS. McENROE: We've been going a
8 little over an hour.
9 MR. POWERS: You read my mind.
10 Let's take a break.
11 THE VIDEOGRAPHER: Going off the
12 record at 3:56.
13 - - -
14 (A recess was taken from
15 3:56 p.m. to 4:26 p.m.)
16 - - -
17 THE VIDEOGRAPHER: We're back on
18 the record at 4:26 p.m.
19 MR. POWERS: I have no further
20 questions for the witness.
21 MS. McENROE: Great. Thank you.
22 We have no further questions as well.
23 And we view this as the end of Ms. Hart's
24 fact deposition.

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1 MR. POWERS: Yes. She's coming
2 back for the 30(b)(6) tomorrow.
3 MS. McENROE: Agreed. Thank you.
4 THE VIDEOGRAPHER: This ends
5 today's deposition. We're going off the
6 record. The time is 4:26 p.m.
7 (Witness excused.)
8 (Deposition concluded at
9 approximately 4:26 p.m.)
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1
2 CERTIFICATE
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4
5 I HEREBY CERTIFY that the witness
6 was duly sworn by me and that the deposition is a
7 true record of the testimony given by the
8 witness.
9
10 It was requested before
11 completion of the deposition that the witness,
12 JANET GETZEY HART, have the opportunity to read
13 and sign the deposition transcript.
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ANN MARIE MITCHELL, a Federally
Approved Certified Realtime
Reporter, Registered Diplomate
Reporter, Registered Merit Reporter and
Notary Public

(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means, unless
under the direct control and/or supervision of
the certifying reporter.)

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1 INSTRUCTIONS TO WITNESS
2
3 Please read your deposition over
4 carefully and make any necessary corrections.
5 You should state the reason in the appropriate
6 space on the errata sheet for any corrections
7 that are made.
8 After doing so, please sign the
9 errata sheet and date it.
10 You are signing same subject to
11 the changes you have noted on the errata sheet,
12 which will be attached to your deposition.
13 It is imperative that you return
14 the original errata sheet to the deposing
15 attorney within thirty (30) days of receipt of
16 the deposition transcript by you. If you fail to
17 do so, the deposition transcript may be deemed to
18 be accurate and may be used in court.
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1 - - - - -
2 E R R A T A
3 - - - - -
4 PAGE LINE CHANGE
5 _____
6 REASON: _____
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ACKNOWLEDGMENT OF DEPONENT

I, _____, do
hereby certify that I have read the foregoing
pages, 1 - 274, and that the same is a correct
transcription of the answers given by me to the
questions therein propounded, except for the
corrections or changes in form or substance, if
any, noted in the attached Errata Sheet.

JANET GETZEY HART DATE

Subscribed and sworn
to before me this
____ day of _____, 20____.
My commission expires: _____

Notary Public